Bill as Introduced

SB 181 -FN - AS INTRODUCED

1999 SESSION

99-0470

10/09

SENATE BILL *181-FN*

AN ACT relative to the licensure of geologists.

SPONSORS: Sen. Cohen, Dist 24; Sen. Roberge, Dist 9; Rep. Wendelboe, Belk 2

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes the board of professional geologists and authorizes the regulation of the practice, examination, licensure, and discipline of professional geologists.

Explanation: Matter added to current law appears in ***bold italics.***

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

99-0470

10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT relative to the licensure of geologists.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Chapter Heading; Professional Geologists Added. Amend the chapter heading preceding RSA 310-A to read as follows:

PROFESSIONAL ENGINEERS, ARCHITECTS, LAND

SURVEYORS, PROFESSIONAL GEOLOGISTS AND NATURAL SCIENTISTS

2 Joint Board; Professional Geologists Added. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of professional engineers, architects, land surveyors, foresters, ***professional geologists,*** and natural scientists, consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, ***board of professional geologists,*** and the board of natural scientists. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 New Subdivision; Professional Geologists. Amend RSA 310-A by inserting after section 117 the following new subdivision:

Professional Geologists

310-A:118 Definitions. As used in this subdivision:

I. "Board" means the board of professional geologists.

II. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization; organized for gain or profit, carrying on any business activity within the state.

III. "Geology" or "geological" means the science and the application of the science to the earth's constituents, rocks, minerals, solids and fluids including surface and subsurface waters, gases and other materials; including but not limited to describing the natural processes acting on earth materials, gases or fluids; predicting the probable occurrence of natural resources; and recognizing, determining and evaluating geologic factors and the study of related natural and man-induced agents, forces, and processes which cause physical changes in and on the earth.

IV. "Professional geologist" means a person meeting the ethical standards of this subdivision who, by reason of advanced knowledge of geology and the supporting physical and life sciences, acquired by education and experience, is technically and legally qualified to engage in the practice of geology as defined in this section and who is licensed by the board or otherwise authorized by this subdivision to engage in the practice of geology.

V. "Practice of geology" means geological consultation, investigation,

evaluation, planning, mapping, and inspection for a fee. The term shall not include the practice of engineering, land surveying, architecture, soil science or wetland science for which separate licensure is required.

VI. "Responsible charge of work" means the independent control, supervision and direction of work requiring the use of initiative, skill, and judgment.

310-A:119 Purpose. In order to safeguard life, health, the environment, property, and to promote public welfare, the practice of geology in this state shall be regulated by the board of professional geologists.

310-A:120 Board of Professional Geologists.

I. A board of professional geologists is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be professional geologists, and one public member. The public member of the board shall be a person who is not, and never was, a geologist or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of geologic services or an activity directly related to geology, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each member except the public member shall have been a professional geologist for at least 10 years prior to appointment and shall have held a responsible position in charge of such work, which may include the teaching of geology, for at least 5 years prior to appointment. Experience in providing geological services for a fee, or being in responsible charge of geological work, obtained before the expiration of the period described in RSA 310-A:125, II, may count towards the requirements of this section if the member would have been eligible for licensure under RSA 310-A:125, II at the time of the relevant experience.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Original appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

VI. The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

(a) The name, age, and residence of each applicant.

(b) The date of application.

(c) The place of business of such applicant.

(d) The applicant's educational and other qualifications.

(e) Whether or not an examination was required.

(f) Whether the applicant was rejected and the reasons for such rejection.

(g) Whether a license or permit was granted.

(h) The date of the action of the board.

(i) Such other information as may be deemed necessary by the board.

VII. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VIII. The secretary of the board shall publish a roster listing the names and places of business of all professional geologists licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be made available upon request to any person so licensed and will be placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board

may include in such roster any other information it deems appropriate.

310-A:121 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this subdivision;

(b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;

(c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;

(d) License renewal, including any requirements for continuing education;

(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;

(f) Procedures for the conduct of hearings consistent with the requirements of due process;

(g) The design of an official seal;

(h) Application procedures for and issuance of geology certificates for business organizations;

(i) What constitutes geology experience for the purposes of RSA 310-A:125;

(j) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129

(k) The circumstances under which an applicant may be required to take an examination under RSA 310-A:129, IV;

(l) Interstate licensure and temporary permits under RSA 310-A:131;

(m) Waiver of renewal fees for professional geologist 70 years of age or older under RSA 310-A:132, III.

(n) Other matters necessary for the proper administration of this subdivision.

II. The board shall adopt rules under RSA 541-A which shall establish all fees required under this subdivision including the following:

(a) Examinations.

(b) Application for licensure upon passing the examination.

(c) Application for a certificate, temporary permit, or license under RSA 310-A:134.

(d) Biennial renewal for licensed professional geologists.

(e) Late reinstatement for a late renewal of license.

(f) Replacement of lost or mutilated license.

(g) Transcribing and transferring records and other services.

III. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-A:122 Immunity From Civil Liability. No action or other legal proceedings for damages shall be instituted against the board or any member or employee of the board for any act done in good faith or for any neglect or default in the performance or exercise in good faith of any such duty or power.

310-A:123 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this subdivision and shall pay the same to the state treasurer. The board may employ such investigators, clerical, and other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose which is reasonably necessary for the proper performance of its duties under this subdivision, including the reasonable expenses of the board's delegate to meetings and membership dues. The board may, with the approval of the attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. Such compensation and reasonable expenses shall be paid from the funds of the board.

310-A:124 Licensure Required. No person may call themselves a professional geologist or engage in the practice of geology in this state who is not licensed by the board, or whose license is expired, canceled, suspended or revoked, except as otherwise provided in this subdivision.

310-A:125 Requirements for Licensure as a Professional Geologist.

I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II. In addition each applicant shall have a bachelor's degree in geology or 30 credit hours in geology from an accredited 4-year college, or a master's or doctoral degree from an accredited graduate program in geology, including but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology, hydrogeology, hydrology, marine geology, minerology, mining geology, paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies; and shall present evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a professional geologist. Applicants meeting these ethics, education and experience requirements shall be eligible to sit for an examination to be administered by the board. Unless otherwise provided, applicants shall take the examination and receive a passing score.

(b) Experience in providing geological services for a fee, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I(a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in providing geological services for a fee does not include routine sampling, laboratory work or geological drafting.

(c) A completed academic year of graduate study in geology may be applied either towards a year of the experience requirement of this section up to a total maximum of 2 years, or to the education requirement of this section, but not both.

(d) A completed academic year of college or graduate level teaching in geology may be applied towards a year of the experience requirement of this section.

II. During the year following the original appointment of at least 3 members of the board, the board shall issue licenses without examination to applicants who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements.

III. Whenever information presented in an application for licensure or renewal is determined by the board to be incomplete or insufficient, the board may require additional information as necessary to determine if the application requirements of this section have been met.

310-A:126 Ethical Standards. No person shall be eligible for licensure as a professional geologist who does not meet the ethical standards of the profession as set forth in the Code of Ethics of the American Institute of Professional Geologists, or other standards adopted by the board.

310-A:127 Continuing Education. Evidence satisfactory to the board of the completion in each biennial renewal period of a minimum of 12 credit hours of continuing education credits shall be required for license renewal. The board shall identify courses that are designed to further the professional competence of licensees, and shall determine the continuing education credits to be granted upon completion of each course. In general, the continuing education credits shall be determined on the basis of one credit for each hour of approved course instruction actually attended by a licensee.

310-A:128 Applications.

I. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.

II. References relating to experience in the practice of geology performed prior to the effective date of this subdivision may be provided by either a professional geologist or a person determined by the board to be of equivalent ethical standards, education and experience who may or may not have been licensed.

III. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

310-A:129 Examinations. Written technical examinations in geology shall be held at least annually at such times and places as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the board, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary

of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

310-A:131 Interstate Licensure; Temporary Permit.

I. Applicants who are licensed, certified, or registered in another state, provided the other state's licensing, certification, or registration requirements are substantially equivalent to or more stringent than those of this state, may be granted a license without examination upon application to the board, submission of a copy of such license, certification or registration, payment of an application fee, and submission of evidence suitable to the board of good professional standing in the other state.

II. A person having no established place of business in this state who wishes to practice or to offer to practice geology in this state may make application to the board for a temporary permit. A temporary permit may be issued which is limited to practice on a specific project in this state for a period not to exceed an aggregate of 30 days in any calendar year, provided such person is a licensed professional geologist in a state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or more stringent than those specified in this subdivision.

310-A:132 License Expiration and Renewals.

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following the year of issuance, or upon such other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. Failure to remit the renewal fee when due shall automatically suspend the license. A person whose license is canceled for such failure may reinstate the license by paying, within one year of suspension, all fees due, plus a late

fee as established by the board.

III. If a professional geologist is 70 years or older at the time the renewal fee first becomes due, and the professional geologist has held a professional geologist license continuously for the 10-year period immediately preceding the renewal, the board may waive the reinstatement fee in accordance with rules adopted by the board.

310-A:133 Investigations and Disciplinary Proceedings.

I. The board may undertake investigations or disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. A finding by the board of any of the following types of misconduct will be grounds for the revocation of a license:

(a) The practice of fraud or deceit in procuring or attempting to procure or renew a license to practice under this subdivision;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee;

(d) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this subdivision;

(e) Mental or physical incompetency to practice under this subdivision;

(f) Willful or repeated violation of the provisions of this subdivision;

(g) Providing false testimony before the board; or

(h) Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of geology.

III. A finding by the board of any of the following types of misconduct may be sufficient to support revocation or suspension of a license:

(a) Unprofessional, unethical, or dishonorable conduct unworthy of, and

affecting the practice of geology;

(b) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated;

(c) Violations of the rules of the ethical standards of the profession; or,

(d) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.

310-A:134 Investigations; Enforcement.

I. Any employee of the board engaged in making any investigation shall have the power to administer oaths to, and take depositions of, persons pertaining to any investigation. All files of an investigation in progress shall be confidential and exempt from the provisions of RSA 91-A.

II. The superior court, upon application by the attorney general, shall have jurisdiction to issue such person an order requiring such person to appear before the board, its members or agents, and to produce evidence, if so ordered, or to give testimony. Any failure to obey such order of the court may be punishable by the court as contempt.

III. The board is hereby authorized to apply through the attorney general for relief by injunction to the superior court, to enforce the provisions of this subdivision or to restrain any violation of the provisions of this subdivision. In such proceedings, it shall be unnecessary to allege or to prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from any continued violation. The members of the board shall not be personally liable under these proceedings.

IV. The actions by the board shall be binding upon applicants for licensure and all persons licensed under this subdivision, and shall be applicable to any business organization which shall hold a certificate or registration under this subdivision.

V. Following an investigation of any complaint relating to a violation of any provision of this subdivision by a nonregistrant, and dependent on the result of such investigation, the board may present its findings to the attorney general, who shall enforce the provisions of this subdivision.

310-A:135 Hearings; Appeals; Penalties.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served,

either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The attorney general, or a designee, shall act as legal advisor to the board if the board so requests, and render such legal assistance as deemed necessary by the board in carrying out the provisions of this subdivision. With the approval of the attorney general, the board may employ counsel and necessary assistance in carrying out the provisions of this subdivision. Reasonable compensation and expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such purpose.

III. At any hearing, the named person or licensee shall have the right to:

(a) Appear in person, by counsel, or both.

(b) Produce evidence and witnesses.

(c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. If, after such hearing, the board finds that a violation has occurred, the board may reprimand, suspend, refuse to renew, or revoke any license or authorization to practice granted under this subdivision.

VI. Any applicant or licensee aggrieved by an action of the board denying, suspending, refusing to renew, or revoking its license may appeal the decision in accordance with RSA 541.

VII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

310-A:136 Reissuance of Licenses. The board, for reasons it deems sufficient, may reissue a license to any person whose license has been revoked for more than one year, or suspended, provided 3 or more members of the board vote in favor of such reissuance.

310-A:137 Violations. The remedies and procedures provided in this subdivision are in addition to and not in substitution for other available remedies, procedures, or penalties.

310-A:138 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:124 on proceedings brought by the attorney general.

310-A:139 Exemptions. Nothing in this subdivision shall be construed to prevent or affect:

I. The practice of officers and employees of the government of the United states or the state while engaged within this state in the practice of geology for the federal government or the state.

II. Work customarily performed by archeologists, chemists, geographers, or oceanographers, providing such work does not include the design and execution of geological investigation, being in responsible charge of geological work, or the drawing of geological conclusions and recommendations.

III. The practice of engineering by a licensed engineer, the practice of architecture by a licensed architect, the practice of forestry by a licensed forester, the practice of land surveying by a licensed land surveyor, the practice of soil science by a certified soil scientist, nor the practice of wetland science by a certified wetland scientist.

IV. The practice of geology by any person under the direct supervision and control of a professional geologist, provided such work does not include being in responsible charge of final geological reports or decisions.

V. The practice of geology by any person in the employ of academic or research institutions, agencies of federal or state government, and not-for-profit research institutions.

4 Effective Date. This act shall take effect July 1, 1999.

LBAO

99-0470

2/8/99

SB 181-FN - FISCAL NOTE

AN ACT relative to licensure of geologists.

FISCAL IMPACT:

The Joint Board indicates state general fund revenue will increase by

$62,000 in FY 2000, by $51,974 in FY 2001, by $54,572 in FY 2002 and by $57,301 in FY 2003. State general fund expenditures will increase by $49,599 in FY 2000, by $41,579 in FY 2001, by $43,658 in FY 2002 and by $45,841 in FY 2003. There is no impact on county and local revenue or expenditures.

METHODOLOGY:

The Board estimates the cost to establish the Board of Professional Geologists as follows:

Licensure Clerk, Labor Grade 10 $18,778

Benefits 5,821

Office Rent, Supplies, Postage, etc. 15,000

Subtotal $39,599

Furniture & Computer (one-time) 10,000

Total $49,599

Revenue at 125% of Total Expenditures $62,000

The Board assumes expenditures will increase by 5% annually after FY 2000.

The Board is unable to pre-determine how many new licensees will result and actual expenditures may differ from estimated.

Committee Minutes

Date:	March 16, 1999
Time:	2:25 to 2:30
Room:	101 LOB

The Senate Committee on Executive Departments Administration held a hearing on the following:

SB 181-FN	relative to the licensure of geologists.

Members of Committee present:

Senator Cohen
Senator Francoeur
Senator D'Allesandro
Senator Larsen
Senator Roberge
Senator Trombly

The Chair, Senator Burt Cohen, opened the hearing.

Senator Burton J. Cohen, D. 24: Opened the hearing on Senate Bill 181-FN. No one being present or signed up to speak. Hearing Closed on Senate Bill 181-FN.

Respectfully submitted,
Cyndy Wescott

Speakers

SENATE EXECUTIVE DEPTS. & ADMIN. COMMITTEE

Date 3/16/99 Time 1:50 Public Hearing On SB 181-FN

Appearing in FAVOR: *(Please print)* ***Please check box at left to speak.***

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SENATE EXECUTIVE DEPTS. & ADMIN. COMMITTEE

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Testimony

MEMORANDUM

TO: Senator Burt Cohen

FROM: Teresa Rosenberger

DATE: September 29, 1999

RE: SB 181 – Licensure of Geologists

Per our conversation, attached is the final agreed upon draft amendment to SB 181. Also, attached is the Memorandum of Understanding between the groups participating (engineers, geologists, DES) in working out compromise language.

Please call me if you have any questions.

Attachments

dap

1999 SESSION

99-0470
10/09

SENATE BILL **181-FN**

AN ACTrelative to the licensure of geologists.

SPONSORS:Sen. Cohen, Dist 24; Sen. Roberge, Dist 9; Rep. Wendelboe, Belk 2

COMMITTEE:Executive Departments and Administration

ANALYSIS

This bill establishes the board of professional geologists and authorizes the regulation of the practice, examination, licensure, and discipline of professional geologists.

99-0470

DRAFT

10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

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PROFESSIONAL ENGINEERS, ARCHITECTS, LAND SURVEYORS, PROFESSIONAL GEOLOGISTS AND NATURAL SCIENTISTS

2 Joint Board: Professional Geologists Added. Amend RSA 310-A:1 to read as follows:310-A:1 Joint Board Established. There shall be a joint board of professional engineers, architects, land surveyors, foresters, professional geologists, and natural scientists, consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, and the board of natural scientists. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 New Subdivision; Professional Geologists. Amend RSA 310-A by inserting after section 117 the following new subdivision:

Professional Geologists

310-A:118 Definitions. As used in this subdivision:

I. "Board" means the board of professional geologists.

II. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization; organized for gain or profit, carrying on any business activity within the state.

III. "Geology" means the science dealing with the study of the earth, its origin, history, physical features and content; the investigation and interpretation of the earth's constituents including, but not limited to, its rocks, unconsolidated materials, minerals, solids, fluids, and gases, and of the natural and induced processes and forces acting on the earth; the geologic mapping of the earth's constituents and features, and the results of various processes and forces that have acted on the earth; and the geological application of the information derived from such study in the furtherance of the health, safety and welfare of the public and the environment.

IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge of geology and the supporting physical and life sciences, acquired by education and experience, is technically and legally qualified to engage in the practice of geology as defined in this section and has successfully passed the examination as may be required in this subdivision and who is licensed by the board or otherwise authorized by this subdivision to engage in the practice of the profession of geology.

V. "Practice of the profession of Geology" means the performance of work defined as geology in this subdivision including, but not limited to researching, investigating, consulting, geological mapping, describing the natural processes that act upon the earth's materials, predicting the probable occurrence of natural resources, predicting and locating natural or man-induced phenomena which may be useful or hazardous to mankind recognizing, determining and evaluating geological factors, and the inspection and performance of geological work and the responsible supervision thereof in furtherance of the health, safety, and welfare of the public and the environment. The term shall not include the application of geologic information in the identification or determination of engineered solutions to protect the health, safety, and welfare of the public and the environment. The term shall not include the practice of engineering, land surveying, architecture, soil science or wetland science for which separate licensure or certification is required.

VI. "Responsible charge of work" means the independent control, supervision and direction of work requiring the use of

initiative. skill, and judgment.
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310-A:120 Board of Professional Geologists.
I. A board of professional geologists is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be professional geologists, and one public member. The public member of the board shall be a person who is not, and never was, a geologist or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of geologic services or an activity directly related to geology, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.
II. Each member of the board shall be a citizen of the United States and a resident of this state. Each member except the public member shall have been a professional geologist for at least 10 years prior to appointment and shall have held a responsible position in charge of such work, which may include the teaching of geology, for at least 5 years prior to appointment. Experience in providing geological services for a fee, or being in responsible charge of geological work, obtained before the expiration of the period described in RSA 310-A:125, II, may count towards the requirements of this section if the member would have been eligible for licensure under RSA 310-A:125, II at the time of the relevant experience.
III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Original appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.
IV. Members of the board shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.
V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.
VI. The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:
(a) The name, age, and residence of each applicant.
(b) The date of application.
(c) The place of business of such applicant.
(d) The applicant's educational and other qualifications.
(e) Whether or not an examination was required.
(f) Whether the applicant was rejected and the reasons for such rejection.
(g) Whether a license or permit was granted.
(h) The date of the action of the board.
(i) Such other information as may be deemed necessary by the board.
VII. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.
VIII. The secretary of the board shall publish a roster listing the names and places of business of all professional geologists licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be made available upon request to any person so licensed and will be placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.
310-A:121 Rulemaking; Fees.
I. The board shall adopt rules, pursuant to RSA 541-A, relative to:
(a) The application procedure for a license to practice under this subdivision;
(b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;
(c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;
(d) License renewal, including any requirements for continuing education;
(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how

disciplinary actions by the board shall be implemented for violations of these standards;
(f) Procedures for the conduct of hearings consistent with the requirements of due process;
(g) The design of an official seal;
(h) Application procedures for and issuance of geology certificates for business organizations;
(i) What constitutes geology experience for the purposes of RSA 310-A:125;
(j) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129
(k) The circumstances under which an applicant may be required to take an examination under RSA 310-A:129, IV;
(l)Interstate licensure and temporary permits under RSA 310-A:131;
(m) Waiver of renewal fees for professional geologists 70 years of age or older under RSA 310-A:132, III.
(n) Other matters necessary for the proper administration of this subdivision.
II. The board shall adopt rules under RSA 541-A which shall establish all fees required under this subdivision including the following:
(a) Examinations.
(b) Application for licensure upon passing the examination.
(c) Application for a certificate, temporary permit, or license under RSA 310-A:134.
(d) Biennial renewal for licensed professional geologists.
(e) Late reinstatement for a late renewal of license.
(f) Replacement of lost or mutilated license.
(g) Transcribing and transferring records and other services.
III. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.
310-A:122 Immunity From Civil Liability. No action or other legal proceedings for damages shall be instituted against the board or any member or employee of the board for any act done in good faith or for any neglect or default in the performance or exercise in good faith of any such duty or power.
310-A:123 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this subdivision and shall pay the same to the state treasurer. The board may employ such investigators, clerical, and other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose which is reasonably necessary for the proper performance of its duties under this subdivision, including the reasonable expenses of the board's delegate to meetings and membership dues. The board may, with the approval of the attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. Such compensation and reasonable expenses shall be paid from the funds of the board.
310-A:124 Licensure No person shall practice professional geology or represent oneself as a professional geologist who is not licensed by the board or whose license expired, canceled, suspended or revoked, except as otherwise provided in this subdivision. Licensure to practice geology shall not be required until after the one year period set forth in RSA310-A:125.II has ended.
310-A:125 Requirements for Licensure as a Professional Geologist.
I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II. In addition each applicant shall have a bachelor's degree in geology or a bachelor's degree in a related field which included 30 credit hours or 45 quarter hours in geology from an accredited 4-year college, or a master's or doctoral degree from an accredited graduate program in geology, including but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology, paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies; and shall present evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board. Applicants meeting these ethics, education and experience requirements shall be eligible to sit for an examination to be administered by the board. Unless otherwise provided, applicants shall take the examination and receive a passing score.
(b) Experience in the practice of geology, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I(a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in the practice of geology does not include routine sampling, laboratory work or geological drafting.
(c) A completed academic year of graduate study in geology may be applied either towards a year of the experience requirement of this section up to a total maximum of 2 years, or to the education requirement of this section, but not both.

(d) A completed academic year of college or graduate level teaching in geology may be applied towards a year of the experience requirement of this section.
II. Following the date that the Administrative Rules are adopted, the board may issue licenses without examination to applicants whose applications for licensure have been received during the one year period, following adoption of the Administrative Rules and who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements.
III. Whenever information presented in an application for licensure or renewal is determined by the board to be incomplete or insufficient, the board may require additional information as necessary to determine if the application requirements of this section have been met.
310-A:126 Ethical Standards. No person shall be eligible for licensure as a professional geologist who does not meet the ethical standards of the profession as set forth in the Code of Ethics of the American Institute of Professional Geologists, or other standards adopted by the board.
310-A:127 Continuing Education. Evidence satisfactory to the board of the completion in each biennial renewal period of a minimum of 24 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.
310-A:128 Applications.
I. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.
II. References relating to experience in the practice of geology performed prior to the effective date of this subdivision may be provided by either a professional geologist or a person determined by the board to be of equivalent ethical standards, education and experience who may or may not have been licensed.
III. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

310-A:129 Examinations. Written technical examinations in geology shall be held at least annually at such times and places as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.
310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the board, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.
310-A:131 Interstate Licensure; Temporary Permit.
I. Applicants who are licensed, certified, or registered in another state, provided the other state's licensing, certification, or registration requirements are substantially equivalent to or more stringent than those of this state, may be granted a license without examination upon application to the board, submission of a copy of such license, certification or registration, payment of an application fee, and submission of evidence suitable to the board of good professional standing in the other state.
II. A person having no established place of business in this state who wishes to practice or to offer to practice geology in this state may make application to the board for a temporary permit. A temporary permit may be issued which is limited to practice on a specific project in this state for a period not to exceed an aggregate of 30 days in any calendar year, provided such person is a licensed professional geologist in a state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or more stringent than those specified in this subdivision.
310-A:132 License Expiration and Renewals.
I. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following

the year of issuance, or upon such other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. Failure to remit the renewal fee when due shall automatically suspend the license. A person whose license is canceled for such failure may reinstate the license by paying, within one year of suspension, all fees due, plus a late fee as established by the board.

III. If the renewal fee is not submitted within one year of the expiration date, an application for reinstatement shall be required and approved by the board to reinstate the license.

IV. If a professional geologist is 70 years or older at the time the renewal fee first becomes due, and the professional geologist has held a professional geologist license continuously for the 10-year period immediately preceding the renewal, the board may waive the reinstatement fee in accordance with rules adopted by the board.

310-A:133 Investigations and Disciplinary Proceedings.

I. The board may undertake investigations or disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon complaint of any person which charges that a person licensed by the board has committed misconduct under paragraphs II or III and which specifies the grounds therefor.

II. A finding by the board of any of the following types of misconduct will be grounds for the revocation of a license:

(a) The practice of fraud or deceit in procuring or attempting to procure or renew a license to practice under this subdivision;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee;

(d) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this subdivision;

(e) Mental or physical incompetency to practice under this subdivision;

(f) Willful or repeated violation of the provisions of this subdivision;

(g) Providing false testimony before the board; or

(h) Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of geology.

III. A finding by the board of any of the following types of misconduct may be sufficient to support revocation or suspension of a license:

(a) Unprofessional, unethical, or dishonorable conduct unworthy of, and affecting the practice of geology;

(b) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated;

(c) Violations of the rules of the ethical standards of the profession; or,

(d) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.

310-A:134 Investigations; Enforcement.

I. Any employee of the board engaged in making any investigation shall have the power to administer oaths to, and take depositions of, persons pertaining to any investigation. All files of an investigation in progress shall be confidential and exempt from the provisions of RSA 91-A.

II. The superior court, upon application by the attorney general, shall have jurisdiction to issue such person an order requiring such person to appear before the board, its members or agents, and to produce evidence, if so ordered, or to give testimony. Any failure to obey such order of the court may be punishable by the court as contempt.

III. The board is hereby authorized to apply through the attorney general for relief by injunction to the superior court, to enforce the provisions of this subdivision or to restrain any violation of the provisions of this subdivision. In such proceedings, it shall be unnecessary to allege or to prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from any continued violation. The members of the board shall not be personally liable under these proceedings.

IV. The actions by the board shall be binding upon applicants for licensure and all persons licensed under this subdivision, and shall be applicable to any business organization which shall hold a certificate or registration under this subdivision.

V. Following an investigation of any complaint relating to a violation of any provision of this subdivision by a nonregistrant, and dependent on the result of such investigation, the board may present its findings to the attorney general, who shall enforce the provisions of this subdivision.

310-A:135 Hearings; Appeals; Penalties.
I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.
II. The attorney general, or a designee, shall act as legal advisor to the board if the board so requests, and render such legal assistance as deemed necessary by the board in carrying out the provisions of this subdivision. With the approval of the attorney general, the board may employ counsel and necessary assistance in carrying out the provisions of this subdivision. Reasonable compensation and expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such purpose.
III. At any hearing, the named person or licensee shall have the right to:
(a) Appear in person, by counsel, or both.
(b) Produce evidence and witnesses.
(c) Cross-examine witnesses.
IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.
V. If, after such hearing, the board finds that a violation has occurred, the board may:
(a) Reprimand, suspend, refuse to renew, or revoke any license or authorization to practice granted under this subdivision.
(b) Require a person to participate in a program of continuing education in the area or areas in which the person has been found deficient.
(c) Require a person to practice under direct supervision of a licensed professional geologist for a period of time specified by the board.
(d) Levy civil penalties for violations.
VI. Any applicant or licensee aggrieved by an action of the board denying, suspending, refusing to renew, or revoking its license may appeal the decision in accordance with RSA 541.
VII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.
310-A:136 Reissuance of Licenses. The board, for reasons it deems sufficient, may reissue a license to any person whose license has been revoked for more than one year, or suspended, provided 3 or more members of the board vote in favor of such reissuance.
310-A:137 Violations. The remedies and procedures provided in this subdivision are in addition to and not in substitution for other available remedies, procedures, or penalties.
310-A:138 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:124 on proceedings brought by the attorney general.
310-A:139 Exemptions; Proclusions prohibited.
I. Nothing in this subdivision shall be construed to prevent or affect:
(a) The practice of officers and employees of the government of the United states or the state while engaged within this state in the practice of geology for the federal government or the state.
(b) Work customarily performed by archeologists, chemists, geographers, or oceanographers, providing such work does not include the design and execution of geological investigation, being in responsible charge of geological work, or the drawing of geological conclusions and recommendations.
(c) The practice of engineering by a licensed engineer, the practice of architecture by a licensed architect, the practice of forestry by a licensed forester, the practice of land surveying by a licensed land surveyor, the practice of soil science by a certified soil scientist, or the practice of wetland science by a certified wetland scientist.
(d) The practice of geology by any person under the direct supervision and control of a professional geologist, provided such work does not include being in responsible charge of final geological reports or decisions.
(e) The practice of geology by any person in the employ of academic or research institutions, agencies of federal or state government, and not-for-profit research institutions.
II. Professional engineers, when engaged in the lawful practice of professional engineering under RSA 310-A, shall not be precluded from performing work which is defined in this subdivision as within the practice of the profession of geology, nor by a requirement that such work be performed by a professional geologist.
4 Effective Date. This act shall take effect on passage.
LBAO
99-0470
2/8/99

SB 181-FN - FISCAL NOTE
AN ACTrelative to licensure of geologists.
FISCAL IMPACT:
The Joint Board indicates state general fund revenue will increase by $62,000 in FY 2000, by $51,974 in FY 2001, by $54,572 in FY 2002 and by $57,301 in FY 2003. State general fund expenditures will increase by $49,599 in FY 2000, by $41,579 in FY 2001, by $43,658 in FY 2002 and by $45,841 in FY 2003. There is no impact on county and local revenue or expenditures.
METHODOLOGY:
The Board estimates the cost to establish the Board of Professional Geologists as follows:
Licensure Clerk, Labor Grade 10$18,778
Benefits 5,821
Office Rent, Supplies, Postage, etc. 15,000
Subtotal$39,599
Furniture & Computer (one-time) 10,000
Total$49,599
Revenue at 125% of Total Expenditures$62,000
The Board assumes expenditures will increase by 5% annually after FY 2000.
The Board is unable to pre-determine how many new licensees will result and actual expenditures may differ from estimated.

TO: Interested Parties

FROM: Joint Working Group on Proposed Licensing of Professional Geologists

RE: Memorandum of Understanding Regarding Modifications to SB181

DATE: September 20, 1999

This memorandum of understanding has been prepared to summarize the proposed modifications made to New Hampshire Senate Bill 181 relative to licensure of geologists. These modifications have been made as a result of discussions among members of the ad-hoc Joint Working Group on Proposed Licensing of Professional Geologists.

BACKGROUND

In January, 1999 SB 181 was introduced in the NH legislature. The bill was initiated by the NH Council of Professional Geologists (NHCPG) to establish a licensing program in New Hampshire for professional geologists. NHCPG modeled the bill after similar statutes in other states, and from elements of existing NH laws establishing the licensure of certain professions (including professional engineering under NHRSA 310-A).

After initial feedback from representatives of several engineering organizations, it was agreed that time was needed for a joint effort to be undertaken to explore and attempt to resolve various issues associated with the initiative. As a result, NHCPG and others requested that the bill be "re-referred" by the NH Senate to allow for modifications to the bill by the fall of 1999 prior to further legislative action.

Following re-referral in March, 1999, the ad-hoc Joint Working Group on Proposed Licensing of Professional Geologists (JWG) was formed. The JWG includes representatives of several interested organizations, including:

- NH Council of Professional Geologists (Dorothy Richter, Paul Sanborn,
- James Griswold, Peter McGlen, Timothy Stone, Anthony Giunta),
- NH Geological Society (John Jemsek),
- Consulting Engineers of NH (William Straub, Nannu Nobis),
- NH Society of Professional Engineers (David Gates, Arthur Cunningham),
- NH Section of the American Society of Civil Engineers (Jeffrey Glenn), and
- NH Department of Environmental Services (Fred McGarry, John Regan)

Other groups were also contacted and invited to participate.

The objective of the JWG has been to explore the issues associated with the bill, to the end that the bill would establish licensure of professional geologists which would be of benefit to the citizens of the State of New Hampshire, and complement without conflict the engineering statute and profession. As of the end of August 1999, the JWG has met four times (March 29, 1999; May 2, 1999; June 7, 1999, and September 20, 1999).

The bill is comprehensive, and addresses a wide range of issues necessary to establish the licensure of professional geologists. Much of the bill has required little discussion at the JWG. Primary issues addressed by the JWG include the following:

1. Licensure versus certification of professional geologists,
2. Definitions of geology, the profession of geology, and professional geologist,
3. Overlap and exclusions related to the practices of geology and engineering,
4. Licensing requirements, including "grandfathering" without examination,
5. Continuing education requirements, and
6. Administrative costs.

Brief descriptions of these issues, and the understanding of resolutions to these issues as reflected in the modified bill, are presented below.

1. Licensure versus Certification

A significant amount of time was spent discussing the differences in licensure and certification, including the limitations associated with each option. Licensure involves a higher standard than certification. Licensed professional activities are limited to those which bear directly on the health, safety, and welfare of the public. For example, professional engineering is a licensed activity, as is the practice of medicine. Certification does not necessarily address the protection of health, safety, and welfare, but is rather a demonstration of technical competence and expertise in a certain field. Certification may relate to economic factors, consumer protection, and regulatory requirements. Examples of certified professions are public accounting and wetlands science.

Certification of geologists could encompass a broader range of geologic activities than licensure. It could also address the immediate objectives of the NHDES, as expressed by the agency to the JWG, relative to its desire to establish a professional standard for geologists working within state regulated programs. However, certification is voluntary, and does not prohibit individuals from engaging in the occupation who are not certified, and also does not provide the positive legal responsibility and accountability provided by licensing.

Examples of the types of geologic work that may directly affect public health, safety, and welfare, and therefore would be licensed are well described in the memorandum dated June 3, 1999 from the NHCPG to the members of the JWG (attached). These include geologic work to characterize seismic risks, water supply protection, and hazardous materials in soil and groundwater, among others.

The JWG acknowledges the NHCPG position relative to the case for licensure (and not certification), based on the health, safety, and welfare issues associated with certain geologic work, the potential benefits to the public of licensure, and other considerations. As a result, the definitions of geology and professional geology included in the modifications to the bill limit the licensed activity to those that are done "in furtherance of the health, safety, and welfare of the public and the environment".

Other geologic work, whether completed for monetary compensation or not, is not "professional geology" under the modified bill, and would not be so regulated.

2. Definitions of Geology, the Profession of Geology, and Professional Geologist

Extensive revisions were made to these definitions based on the requirements for licensure, and to establish and clarify appropriate distinctions between geology, licensed engineering, and other licensed or certified activities.

The definitions include the "furtherance of the health, safety, and welfare of the public and the environment" as a "filter" through which licensed professional geology is determined.

Professional geology is generally defined as science, and geologic interpretation and application of information derived from scientific geologic study. For example, characterization of geologic conditions, and the characterization and prediction of the occurrence of geologic features and man-induced phenomena are included. It does not include engineering and certain other applications of geologic information, or the identification or determination of engineered solutions.

3. Overlap and Exclusions of the Practices of Geology and Engineering

The modified bill's definitions specifically exclude the practice of engineering, land surveying, architecture, soil science, and wetland science from regulation as professional geology.

In addition, there was significant discussion in the JWG regarding the potential "overlap" of certain tasks or work which can be encompassed within the profession of geology and which are also commonly done by professional engineers as engineering work under NHRSA 310-A. Examples include investigations of the subsurface, characterization of soil and rock materials, characterization of contaminants in the environment, evaluation of groundwater flow and contaminant migration, among many others.

It was also discussed that when work may be lawfully completed by either type of licensed professional (geologist or engineer), it is the intent of the bill that state or local regulations requiring licensed professional services be inclusive of both professions.

Based on the above, in addition to the original language regarding exemptions for engineering, architecture, forestry, land surveying, soil science, wetlands science, and other fields, new language is included which precludes limiting the work of professional engineers lawfully completing engineering work under NHRSA 310-A.

4. Licensing Requirements, Including "Grandfathering" Without Examination

The bill included requirements typical of many states for licensure of professional geologists, including education, experience, and successful passage of a comprehensive professional examination. Regarding the professional examination, it is understood that it is the intent that the exam be comprehensive, on par with the accepted requirements in the nation. For example, the examination prepared by the National Association of State Boards of Geology is used in many other states, and would be appropriate for use in New Hampshire.

It was also discussed that while it is not appropriate to include specifications for future accreditation programs in a statute, if a nationally accepted accreditation program similar to the Accreditation Board for Engineering and Technology (which is required for a professional engineering licensure) becomes available for bachelors degrees in geology or related fields, it is understood that such a future nationally accepted accreditation program requirement would be appropriate to include in New Hampshire.

The modified bill provides for a limited period during which licenses could be issued by the board of professional geologists (Board) to qualified applicants who have not taken/passed the professional exam. The bill describes a one-year period beginning on the date when the administrative rules take effect under the statute during which licenses may be issued by the Board to applicants who otherwise meet all other requirements for licensure. It is understood that this limited one-year period is an appropriate way to initiate the licensure program, and that other "grandfathering" without examination is not contemplated.

5. Continuing Education Requirements

The bill includes a continuing education requirement of a minimum of 24 hours of qualifying instruction or professional development activity for each two-year renewal period of the license. The 24 hour requirement is typical of the more rigorous continuing education requirements for professional geology licenses in other states. In 1998, the NH professional engineering statute was amended to include a similar requirement (with 30 hours per two-year license period). The continuing education requirement in SB181 is an important provision for maintaining high standards of licensed professionals over time.

6. Administrative Costs

The bill would add the Board of Professional Geologists to the NH Joint Board. The NH Joint Board would be responsible for the administrative costs of the professional geology licensure program. Although the responsibility for establishing license fees rests with the Board of Professional

Geologists and the NH Joint Board, it is understood that the NHCPG anticipates and desires that administrative costs will be fully supported by professional geology license fees, and not rely on fees collected for other licensure programs of the NH Joint Board.

As the legislative process continues, it is anticipated that the understandings outlined above will be reflected in the input provided by participants in the JWG, from both the engineering and geology communities.

Representatives of the JWG believe the modifications to the bill reflect reasonable, appropriate, and supportable changes that strengthen the bill in meeting the objective of establishing a licensing program for professional geologists in New Hampshire.

Members of Joint Working Group

Name	*Affiliation*
	NHCPG
	CEANH
	NH DES
	NHCPG
	NHCPG
	NHCPG
	NHCPG
	NHSPE
	NH DES
	NHCPG
	NHGS
	NHSPE
	NH ASCE

Attachments

- *SB 181 (with proposed modifications through 9/20/99)*
- *NHCPG Memorandum dated June 3, 1999 regarding licensure*

McLANE, GRAF, RAULERSON & MIDDLETON
Professional Association

JOHN R. McLANE, JR.
JACK B. MIDDLETON
CHARLES A. DeGRANDPRE
PETER B. ROTCH
ARTHUR G. GREENE
ROBERT A. WELLS
R. DAVID DePUY
BRUCE W. FELMLY
ROBERT E. JAURON
THOMAS J. DONOVAN
LINDA C. CONNELL
WILBUR A. GLAHN, III
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October 5, 1999

The Honorable Burton J. Cohen
Chairman, Executive Departments & Administration
Legislative Office Building
Room 101
33 North State Street
Concord, NH 03301

Re: SB 181, relative to the licensing of geologists

Dear Chairman Cohen and Honorable Members of the Committee:

This firm represents the New Hampshire Council of Professional Geologists relative to legislation which would license this scientific profession.

It would certainly advance the public interest to license professional geologists, given the reliance which is placed upon geologic investigations, especially in environmental matters. A working group of geologists and engineers have met several times over the last six months to develop the draft before you, which is acceptable to all of the participants in that effort.

We enclose letters of support from engineering firms, geologists, the Department of Transportation, and environmental groups, including the Forest Society.

Again, we would be glad to answer any questions you may have about this legislation.

Respectfully yours,

Gregory H. Smith

GHS:sr
Enclosures

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

LEON S. KENISON
COMMISSIONER

September 23, 1999

Senator Burton Cohen , Chairman
Executive Department and Administration Committee
Room 302 , Legislative Office Building
Concord, NH 03301

RE: LICENSURE OF GEOLOGISTS

Dear Senator Cohen:

The Department of Transportation supports the licensure of professional geologists in New Hampshire. The NHDOT depends on accurate and detailed geological information to design and maintain a safe transportation infrastructure. Geological information is used extensively in the design of bridges and roads, is important in planning activities and is critical to the assessment of environmental concerns.

Passage of this bill will ensure that the application of geologic principles in the practice of geology will continue in a manner protective of health, safety and welfare of the public. It is our hope that this legislation will receive favorable consideration.

Sincerely,

Carol A. Murray, P.E.
Assistant Commissioner

JOHN O. MORTON BUILDING - 1 HAZEN DRIVE - P.O. BOX 483 - CONCORD, N.H. 03302-0483
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New Hampshire Geological Society

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Paul Sanborn
Sanborn, Head & Associates

William Siok
American Institute of
Professional Geologists

NEW HAMPSHIRE COUNCIL OF PROFESSIONAL GEOLOGISTS

P.O. Box 10
Epping, New Hampshire 03042-0010

September 27, 1999

Senator Burton J. Cohen
Chair, Executive Departments and Administration Committee
State House, Room 32
107 North Main Street
Concord, NH 03301-4951

RE: Senate Bill 181 - AN ACT relative to the licensure of Geologists

Dear Senator Cohen:

The New Hampshire Council of Professional Geologists (NHCPG) strongly endorses SB181, as amended, regarding the licensure of Geologists. NHCPG has actively sought input on the bill from interested parties and, since the bill was re-referred in March, 1999, has participated in a Joint Working Group with representatives of several professional engineering organizations and the NH Department of Environmental Services to address possible concerns so that the amended legislation will complement without conflict the current engineering statute and profession.

The work of professional geologists touches the lives of every citizen of this State, and directly affects their health, safety, and welfare. For example:

- In recent years, governmental bodies have increasingly come to rely upon advice from professional geologists when formulating laws and policies to protect the environment and the health, safety, and welfare of the citizens of New Hampshire.
- The work of professional geologists assists the citizens and governmental bodies of New Hampshire in providing a safe, potable, and abundant supply of drinking water, and to help ensure that such supplies are adequately protected from contamination and overuse.
- The work of professional geologists assists the citizens and governmental bodies of New Hampshire in characterizing geological and hydrogeological hazards related to the acts of humans, such as contamination of groundwater resources.
- The work of professional geologists assists the citizens and governmental bodies of New Hampshire in characterizing natural geological hazards such as radon, flooding, landslides, coastal erosion, and earthquakes.

As is the case with any profession that directly affects their health, safety and welfare, the citizens of New Hampshire need assurance that persons offering services as professional geologists are adequately trained, experienced, and competent, and are practicing their profession in an ethical manner. SB181 provides that assurance by establishing a professional licensure program designed to be rigorous and on par with national standards for licensure of professional geologists and related professions.

NHCPG is an organization of professional geologists and corporations that rely on the services of professional geologists. The organization is composed of over 160 individual members and 33 corporate sponsors. The corporate sponsors include include both large and small firms, and may be characterized as multidisciplinary firms, engineering firms, environmental firms, and geological firms.

Sincerely yours,

Dorothy Richter
President
New Hampshire Council of Professional Geologists

SOCIETY
FOR THE
PROTECTION
OF
NEW HAMPSHIRE
FORESTS

54 PORTSMOUTH STREET
CONCORD, NH 03301-5400
(603) 224-9945
FAX (603) 228-0423

September 16, 1999

The Honorable Burt Cohen
Chair, Senate Committee on Executive Departments and Administration
Room 101 Legislative Office Building
concord, NH 03301

Re: SB181, AN ACT relative to the licensure of geologists

Dear Senator Cohen:

The Society for the Protection of NH Forests wishes to express its support for passage of SB181, and the licensure of professional geologists.

As members of the Senate well know, assurance of a plentiful and healthful public drinking water supply is fast becoming one of New Hampshire's most challenging public environmental policy issues. The SPNHF is becoming increasingly involved in this complex issue, primarily from the standpoint of ensuring that open space lands surrounding public drinking water wellheads and surface reservoirs remain protected from development-related contamination.

Understanding how subsurface water moves through the ground, the mapping of subsurface water supplies, how aquifers and wellheads recharge, how contaminants move through groundwater, and how to mitigate the public health consequences of water contamination is the professional responsibility of geologists.

There seems little doubt that, as New Hampshire grows, the importance of this profession will also grow. The principle purpose of licensing a profession is to ensure that those so licensed are required by law to adhere to strict professional standards, so that the public may be assured that their health and safety is served by this profession. We believe the public interest in healthful water supplies necessitates some degree of oversight by the state of individuals who practice this profession.

We urge your favorable consideration of SB181.

Sincerely,

Charles R. Niebling
Senior Director, Policy

Cc: Senators Francoeur, Brown, D'Allesandro, Larsen, Roberge and Trombly

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New Hampshire Geological Society

PMB 133
26 South Main Street
Concord, NH 03301



October 1, 1999

Senator Burton J. Cohen
Chair, Executive Departments and Administration Committee
State House, Room 32
107 North Main Street
Concord, NH 03301-4951

Re: Senate Bill 181 Relative to Licensing of Professional Geologists

Dear Senator Cohen:

The New Hampshire Geological Society (NHGS) endorses Senate Bill 181 relative to licensing of professional geologists. The NHGS initially supported legislation by forming an Ad Hoc committee to explore the subject in January 1998. Shortly thereafter, the NHGS supported formation of the New Hampshire Council of Professional Geologists (NHCPG) whose primary mission is to promote the licensing of geologists in New Hampshire through statutory regulation.

Subsequently, the NHGS has been involved in an advisory role during the development of the proposed amended bill. This included our participation with representatives of the NHCPG and the engineering community in the Joint Working Group on Proposed Licensing of Professional Geologist, and discussion of key details of the bill within our organization via our quarterly newsletters, executive meetings, general dinner meetings and informal questionnaires.

We are proud to have assisted in creating an amended bill as it speaks in the best interests of New Hampshire citizens as well as the geologic community. The NHGS mission is to advance the science of geology in New Hampshire by contributing to public education, strengthening the role of geology in environmental concerns, and increasing awareness and knowledge of geology in the state. Our membership exceeds 180 people. We are comprised of consultants, industry leaders, state regulators, government researchers, teachers and students, most of which have an advanced degree in the geological sciences.

The breadth of support within our organization is overwhelming. We are not aware of any active geologist, professional or otherwise, who does not support the proposed amended bill.

We maintain that, by establishing licensure for professional geologists, the State of New Hampshire will fulfill the need to maintain high standards for professional geologists who, through their work, protect human health, safety and welfare and the environment in *The Granite State*. We are confident that you will concur with the NHGS, NHCPG and other organizations by supporting passage of Senate Bill 181.

Thank you for your time and effort in reviewing the merits of the bill. Please contact us at 647-9700 ext. 111 if we can be any assistance within your decision-making process.

Sincerely yours,
NEW HAMPSHIRE GEOLOGICAL SOCIETY, INC.

John P. Jemsek, Ph.D.
President

SHA
Sanborn, Head & Associates
Consulting Engineers & Scientists

September 30, 1999

Senator Burton J. Cohen
Chair, Executive Departments & Administration Committee
State House, Room 302
107 North Main Street
Concord, NH 03301-4951

RE: Senate Bill 181-Licensure of Geologists

Dear Senator Cohen:

Sanborn, Head & Associates, Inc. strongly supports the licensure of professional geologists in the State of New Hampshire as agreed upon in the amendment to SB181 prepared by representatives of the engineering and geological professions. Sanborn, Head & Associates, Inc. is a multi-disciplinary, consulting engineering and geosciences firm. We employ geotechnical, civil, groundwater, chemical and mechanical engineers as well as geologists and hydrogeologists. In our firm, engineers and geologists work collaboratively on a wide range of projects including site characterization and remediation at contaminated sites, water supply development, site development and brownfields redevelopment, solid waste facilities, and resource conservation and development projects.

We believe that licensure of professional geologists will provide many tangible benefits for the citizens of the State of New Hampshire, including:

- Licensure inherently raises the standard of practice among professionals such that the public may be assured that a licensed professional geologist has demonstrated and continues to maintain the qualifications necessary to practice professional geology;

- Licensure assures the citizens of the State of New Hampshire that persons practicing as licensed professional geologists are required to maintain standards of practice and ethical standards commensurate with their professional standing; and

- Licensure will provide assurance that the practice of geology will be carried out by qualified professionals in matters involving the health, safety and welfare of the citizens of this state and the environment.

We applaud your efforts in sponsoring this important bill and look forward to its successful passage during the upcoming legislative session.

Sincerely,
SANBORN, HEAD & ASSOCIATES, INC.

Paul M. Sanborn
President/Principal

Charles L. Head, P.E.
Principal

R. Scott Shillaber, P.E.
Principal

Charles A. Crocetti, P.G.
Principal

PMS:jmc

S:\DATA\LETTERS\091099Cohen.ltr

Paul M. Sanborn ■ Charles L. Head ■ R. Scott Shillaber
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29 September 1999

Senator Burton J. Cohen
Chair, Executive Departments and Administrative Committee
State House, Room 302
107 North Main Street
Concord, New Hampshire 03301-4951

Subject: Senate Bill 181 -- Licensure of Geologists

Dear Senator Cohen:

We are writing this letter to express our enthusiastic support for passage of Senate Bill 181 - Licensure of Geologists, currently under review by your committee in the New Hampshire State Senate. We believe that the licensing bill would establish an appropriate measure of qualifications and accountability for geologists practicing within the state which does not exist today.

As a 380 person consulting company which employs both engineers and geologists in 13 offices nationwide, we are keenly aware of the need for assurance of qualifications and legal responsibility on projects. Geologists routinely perform work and offer opinions that directly affect public health and welfare in areas ranging from public and private water supply work to investigations of hazardous waste sites. Through licensing, businesses such as ours as well as state and local agencies and the public in general would be assured of qualified professionalism in this work.

We urge you to support and pass the bill. Please feel free to call if you have questions or comments on this matter.

Thank you very much for your attention.

Sincerely yours,
HALEY & ALDRICH, INC.

for Muriel S. Robinette, P.G.
Vice President

Jeffrey A. Klaiber, P.E.
Vice President
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September 28, 1999

Senator Burton J. Cohen
Chair, Executive Departments & Administration Committee
State House, Room 302
107 North Main Street
Concord, New Hampshire 03301-4951

RE: Senate Bill 181 - Licensure of Geologists

Dear Senator Cohen:

Aries Engineering, Inc. of Concord, New Hampshire supports the licensing of geologists for this state. Aries Engineering, Inc. employs geologists and engineers. The geologists interpret and apply scientific geologic information and assist engineers on projects involving hazardous waste site cleanup and water supply development.

The public looks to geologists to interpret and apply scientific geologic information relating to land use and management such as solid waste disposal, groundwater protection, contaminant investigations, coastal erosion and water supply development. Additionally, geologists study and evaluate natural geological hazards such as radon, flooding, landslides, and earthquakes in New Hampshire.

At Aries Engineering, Inc, geologists and engineers rely on each other to perform the various phases of environmental project work. Aries believes that New Hampshire will benefit from the licensure of geologists in the following ways:

1. Maintenance of minimum educational and experience requirements and ethical standards governing the practice of geology in New Hampshire;

2. Assure state and local agencies, businesses and the general public that the practice of geology will be carried out by qualified professionals when it involves the health, safety and welfare of the public and the environment; and

3. Formulation and oversight of policies and rules relating to geologic sciences for protection of public health and the environment.

Sincerely,

Peter J. McGlew, P.G.
Principal Hydrogeologist

Michael P. Donahue, P.E.
Principal Engineer

United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Water Resources Division
New Hampshire-Vermont District
361 Commerce Way
Pembroke, NH 03275

September 30, 1999

The Honorable Burton J. Cohen, Chair
Senate Executive Departments & Administration
Legislative Office Building, Room 101
Concord, NH 03301

Subject: Senate Bill 181-FN relative to the licensure of geologists

Dear Senator Cohen:

I am writing in reference to SB 181-FN (as amended), which would establish a Board of Professional Geologists and authorize the regulation of the practice, examination, licensure, and discipline of professional geologists in the State of New Hampshire.

The U. S. Geological Survey is a world leader in the natural sciences, with a mission of providing the Nation with information to: understand the Earth; mitigate losses from natural disasters; manage water, biological, energy and mineral resources; and enhance our quality of life. The New Hampshire/Vermont District Office of the USGS is located in Pembroke and works cooperatively with state agencies on a number of projects related to this mission. Most of our investigative programs in this State are conducted in cooperation with the Department of Environmental Services and focus primarily on surface-water and ground-water resources.

While our office employs many geologists, we also make significant use of geologic data collected by other professionals who have practiced, or are currently practicing geology in the State. Our Agency must remain neutral on the issue of licensing. However, we recognize that reliable geologic data and interpretation provide a keystone to our work. High professional standards of those practicing geology in this State will contribute to the quality of products which are used to ensure the public health, safety and welfare.

Sincerely,

Brian R. Mrazik
District Chief

JAWORSKI
GEOTECH, INC.

SERVICES
- Geotechnical
- Environmental
- Construction
- Underground Tank & Materials Testing

October 1, 1999

Senator Burton J. Cohen
Chair, Executive Departments and Administrative Committee
State House, Room 302
107 North Main Street
Concord, NH 03301-4951

re: Senate Bill 181 - AN ACT Relative to the Licensure of Geologists

Dear Senator Cohen:

This letter is written in support of SB 181 relative to the licensure of geologist. Jaworski Geotech, Inc. (JGI) is the ninth largest engineering firm in New Hampshire and employs eight geologist who work closely with our engineering and technical staff. Engineers have been licensed in the State of New Hampshire for many years for many of same reasons geologists should be licensed now. These include, among other things:

- Public Health, Safety, and Welfare
- Qualification Assurance
- Legal Responsibility
- Professional Recognition

As a licensed professional engineer in eight states, I urge your favorable consideration of SB 181. As an employer of geologists, I must seek out the most qualified professionals to accomplish the technical work of our firm. The public, who is our primary client, must have assurances that the professionals we employ are qualified. I believe the licensure of geologists will be of significant benefit to the citizens of the State of New Hampshire.

I thank you for your consideration of this matter.

Very truly yours,

JAWORSKI GEOTECH, INC.

Gary W. Jaworski, P.E., Ph.D.
President

/etc

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Manchester, NH 03109-5614
(603) 647-9700 Fax 647-4432

44 Wood Avenue, Unit #4
Mansfield, MA 02048-1255
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Internet Address: http://www.jgi-geo.com

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American Ground Water Trust

Independent Authority on Ground Water

16 Centre Street ★ Concord, New Hampshire 03301 ★ (603) 228-5444
Fax (603) 228-6557 ★ Email: agwtHQ@aol.com ★ Web: www.agwt.org

September 29, 1999

Senator Burton Cohen
Chair, Executive Departments and Administration Committee
State House, Rm 302
107 N. Main Street
Concord, NH 03301-4951

RE: Senate Bill 181 - Licensure of Geologists

Dear Senator Cohen:

The American Ground Water Trust is a 501(c)(3) national not-for-profit educational organization. Our programs are designed to help consumers, community decision-makers, regulators and legislators understand the background to water supply, ground water protection policies, and environmental issues relating to development and remediation proposals.

The Trust has the sole mission of stimulating awareness, providing information, and promoting public education about ground water. One of the major challenges we face in our public education outreach is to gain, and retain, public confidence in ground water as a reliable and safe supply source. We regard the training, licensing, and continuing education requirements of geologists as a very important element in ensuring ground water integrity. The public needs the assurance that the development and protection of the nation's aquifers is in the good hands of trained, experienced and licensed geologists and other qualified professionals when and where appropriate.

The New Hampshire Department of Environmental Services (NHDES) recognizes in its rules and regulations the importance of geology concerning groundwater development and remediation. The rules call for obtaining valid geologic information through well-conceived geologic investigations followed by critical geologic interpretation of the investigative information. Some examples include:

- Groundwater Management and Groundwater Release Detection Permits - Env-Wm 1403, Part 1403.07(d)(14);
- Solid Waste Rules, Groundwater Protection Standards - Env-Wm 2504.02;
- Solid Waste Rules, Geologic Siting Limitations - Env-Wm 2504.05;
- Site Selection of Large Production Wells for Community Water Systems - Env-Ws 379.07(a).

Geology is a specific and unique discipline of scientific training and experience. When decisions regarding groundwater use and protection are made without valid geologic information and interpretation our water resources may be adversely impacted, which consequently may put the public at risk. We strongly urge you and your committee to recommend passage of Senate Bill 181 by the full Senate in its current form to enhance and strengthen existing law concerning public health, safety and welfare.

Thank you for your consideration of our perspective on this matter.

Respectfully submitted,

Garret W. Graaskamp

Garret W. Graaskamp, PG
Ground Water Specialist
American Ground Water Trust

C:\My Documents\Correspondence\SB181-BC.doc



New Hampshire Association of Conservation Commissions

54 Portsmouth Street, Concord, NH 03301 (603) 224-7867

October 4, 1999

The Honorable Burton J. Cohen, Chairman
Senate Executive Departments and Administration Committee
Room 101, Legislative Office Building
Concord, NH 03301

Dear Chairman Cohen and Members of the Committee:

The NH Association of Conservation Commissions is pleased that the geologists and engineers have worked out the details for licensing geologists in a manner satisfactory to both groups and urges the Committee to recommend the resulting proposed revision to SB 181 "ought to pass".

Although NHACC did not testify at the original hearing on SB 181, we have in the past and continue to support systems of licensing and certification designed to ensure that those claiming expertise in a given field actually posses that expertise. Although conservation commissions are less likely to hire geologists than wetland or soil scientists, there are situations that call for the services of a geologist, for example in determining the extent of aquifer recharge areas. In most instances municipalities have no easy way of determining who is qualified to perform a particular geological study. SB 181 would provide a way to do so.

Again, NHACC urges the Committee to adopt the compromise revision to SB 181.

Sincerely yours,

Marjory M. Swope
Executive Director

MMS/m
cc: The Honorable Sheila Roberge
The Honorable Francine Wendelboe

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867

October 5, 1999

The Honorable Burton J. Cohen, Chair
Senate Executive Departments & Administration
Legislative Office Building, Room 101
Concord, NH 03301

Subject: Senate Bill 181-FN relative to the licensure of geologists

Dear Senator Cohen:

Thank you for the opportunity to provide testimony supporting favorable action on SB 181-FN. Our support is based upon the thorough analysis of the issue that has been made by a Joint Working Group including the NH Council of Professional Geologists, the NH Geological Society, the Consulting Engineers of NH, the NH Society of Professional Engineers, the NH Section of the American Society of Civil Engineers, the Department of Environmental Services and several members of the geological profession. Senate Bill 181-FN was introduced in January, 1999 and was re-referred in March, 1999 at the request of the working group to allow time for modifications in time for the coming legislative session. We are pleased that the broadly based, representative working group has reached a consensus and focused on ways and means to insure that the licensure would result in benefits to the citizens of New Hampshire while complementing, without conflict, the existing engineering statute and profession. Emphasis has been appropriately placed on specific professional geologic work which is done in furtherance of the health, safety and welfare of the public and the environment. The group examined in detail the certification alternative, practical and clear provisions to avoid undesirable overlap between the practices of geology and engineering, continuing education requirements, grandfathering provisions and fees.

The bill would add the Board of Professional Geologists to the NH Joint Board. Professional geology license fees would be established and would fully support the associated administrative costs. As the complexity of environmental issues increases, our scientific and technical sophistication in dealing with them also must increase. Appropriate licensing, such as created by this bill, is one significant means to help insure that the public is protected in vital areas related to health, safety and welfare. If you have any specific questions or concerns, please contact me or John Regan at 271-3744. John is a hydrogeologist in the Department's Site Remediation Programs, and he has been an active member of the Working Group which has proposed this legislation. Thank you for your consideration.

Sincerely,

Robert W. Varney
Commissioner

cc: The Honorable Sheila Roberge
The Honorable Francine Wendelboe

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171

October 5, 1999

The Honorable Burton J. Cohen, Chair
Senate Executive Departments & Administration
Legislative Office Building, Room 101
Concord, New Hampshire 03301

Re: Senate Bill 181-FN in re: Licensure of Geologists

Dear Senator Cohen:

We are grateful for the opportunity to express our support for SB 181-FN. This letter has been prepared in coordination with that of Commissioner Robert W. Varney to you also dated October 5, 1999. Both of us have been part of the process of preparation of the draft bill as members of the Board of Advisors of the N.H. Council of Professional Geologists.

We are steadfast in our recommendation that the process of licensure of geologists is the only effective means of assuring the protection and welfare of the public in decisions related to the geologic substrate of the State, and most particularly in the analysis of water and mineral reserves, transportation corridor planning, and environmental remediation and protection. The bill is especially attractive because the associated administrative costs are fully offset by the license fees, and no additional costs to the State will occur.

We are available to respond to any questions that you may have (603/271-6482 or 603/527-0006). Thank you for providing us this opportunity.

Sincerely,

Eugene C. Boudette
N.H. State Geologist
N.H. Department of Environmental Services

Brian K. Fowler, Chairman
Geologic Resources Advisory Committee

CC: The Honorable Sheila Roberge
The Honorable Francine Wendelboe
Ms. Dorothy Richter, President, Hagar-Richter Geoscience, Inc.

Voting Sheets

Senate Executive Depts. & Admin. Committee

EXECUTIVE SESSION

SB 181-FN

Hearing date: 3/16/99 Room: _____

Motion of: _____

Made by Senator:		*Seconded by Senator:*	
	Cohen ☐		Cohen ☐
	Francoeur ☐		Francoeur ☐
	M. Brown ☐		M. Brown ☐
	D'Allesandro ☐		D'Allesandro ☐
	S. Larsen ☐		S. Larsen ☐
	S. Roberge ☐		S. Roberge ☐
	Trombly ☐		Trombly ☐

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Burton J. Cohen, Chairman	☑	Y	7-0
Senator Gary Francoeur, Vice-Chair	☑	Y	
Senator Mary E. Brown	☑	Y	
Senator Lou D. Allesandro	☑	Y	
Senator Sylvia B. Larsen	☑	Y	
Senator Sheila Roberge	☑	Y	✓
Senator Rick A. Trombly	☑	Y	

*Amendments: _____

NOTES: Re-Refer 7-0

Senate Executive Depts. & Admin. Committee
EXECUTIVE SESSION

Bill# SB 181

Hearing date: Oct 5, 1999 Room: 101 LOB
Motion of: OTP-A

Made by Senator:			*Seconded by Senator:*		
	Cohen	☐		Cohen	☐
	Francoeur	☐		Francoeur	☐
	M. Brown	☐		M. Brown	☑
	D'Allesandro	☐		D'Allesandro	☐
	S. Larsen	☐		S. Larsen	☐
	S. Roberge	☐		S. Roberge	☐
	Trombly	☑		Trombly	☐

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Burton J. Cohen, Chairman	☑		✓
Senator Gary Francoeur, Vice-Chair	☐		
Senator Mary E. Brown	☑		
Senator Lou D'Allesandro	☑		
Senator Sylvia B. Larsen	☑		
Senator Sheila Roberge	☐		
Senator Rick A. Trombly	☑		

~~4-0~~ 5-0

*Amendments:

NOTES:

Committee Report

Date: March 16, 1999 Time: 2:25pm

The Senate Committee on Executive Departments Administration held its hearing in Room 101 LOB, Concord, New Hampshire.

BILL NO.: SB 181-FN TITLE: relative to the licensure of geologists.

Members of the Committee present:

Senator Cohen
Senator Francoeur
Senator D'Allesandro
Senator Larsen
Senator Roberge
Senator Trombly

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☒ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Executive Departments Administration

to which was referred Senate Bill 181-FN

AN ACT relative to the licensure of geologists.

VOTE: 5-0

1999-2043s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Burt Cohen
For the Committee

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: March 16, 1999

THE COMMITTEE ON Executive Departments Administration

to which was referred Senate Bill 181-FN

AN ACT relative to the licensure of geologists.

VOTE: 7-0

Having considered the same, report the same with the following recommendation that the bill be: **REREFERRED TO COMMITTEE.**

Senator Sheila Roberge
For the Committee

SB181 Docket

Next|Previous|Results List|Bill Status|Main

Bill Title: relative to the licensure of geologists.

Date	Body	Description
2/11/99	S	Introduction and referring to Executive Departments & Administration; SJ 4, P 45
2/24/99	S	Hearing, 3/16/99, Room 101, LOB, 1:50 p.m.
3/19/99	S	Committee Report, Rereferred to Committee, 3/23/99
3/23/99	S	Rerefered to Committee, MA, VV, SJ 8, P 79

Next|Previous|Results List|Bill Status|Main