

UNOFFICIAL COPY OF HOUSE BILL 870

HOUSE BILL 870

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8lr2518
CF SB 678

By: **Delegates Stifler and Davis**

Introduced and read first time: February 6, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Geologists Act**

3 FOR the purpose of creating the State Board of Geologists in the Department of Labor,
4 Licensing, and Regulation; specifying the purpose of this Act; providing for the
5 composition of the Board and the appointment, terms, and expenses of Board
6 members; providing for the election of Board officers and procedures of the
7 Board; establishing certain powers and duties of the Board; requiring certain
8 individuals to be licensed by the Board as geologists before practicing geology; requiring certain
9 establishing certain education, examination, and experience requirements for geologists;
10 establishing certain education and examination requirements for geologists-in-training; providing a
11 certain exception to the licensing requirements; establishing certain
12 licensing and license renewal requirements; specifying certain examination
13 requirements for geologists; authorizing the Board to deny a license to an
14 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a
15 license, or impose certain penalties under certain circumstances; establishing
16 certain hearing and appeal procedures for geologists; providing for certain
17 criminal penalties; requiring certain penalties collected by the Board to be paid
18 into the General Fund; requiring that an evaluation of the Board and the
19 statutes and regulations that relate to the Board be performed on or before a
20 certain date; specifying the terms of the initial appointed members of the
21 Board; requiring the Board to grant a waiver of certain requirements under this Act to certain
22 individuals under certain circumstances; defining certain terms; and generally relating to the State
23 Board of
24 Geologists and the licensing and regulation of geologists.

21 BY renumbering

22 Article - State Government
23 Section 8-403(b)(27) through (69), respectively
24 to be Section 8-403(b)(28) through (70), respectively
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2007 Supplement)

27 BY adding to

28 Article - State Government
29 Section 8-403(b)(27)

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1 Annotated Code of Maryland
2 (2004 Replacement Volume and 2007 Supplement)

3 BY adding to
4 Article - Business Occupations and Professions
5 Section 21-101 through 21-502 to be under the new title "Title 21. Geologists"
6 Annotated Code of Maryland
7 (2004 Replacement Volume and 2007 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That Section(s) 8-403(b)(27) through (69), respectively, of Article - State
10 Government of the Annotated Code of Maryland be renumbered to be Section(s)
11 8-403(b)(28) through (70), respectively.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article - State Government**

15 8-403.

16 (b) Except as otherwise provided in subsection (a) of this section, on or before
17 the evaluation date for the following governmental activities or units, an evaluation
18 shall be made of the following governmental activities or units and the statutes and
19 regulations that relate to the governmental activities or units:

20 **(27) GEOLOGISTS, STATE BOARD OF (§ 21-201 OF THE BUSINESS**
21 **OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2017);**

22 **Article - Business Occupations and Professions**

23 **TITLE 21. GEOLOGISTS.**

24 **SUBTITLE 1. DEFINITIONS; STATEMENT OF PURPOSE.**

25 **21-101.**

26 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
27 **INDICATED.**

28 **(B) "BOARD" MEANS THE STATE BOARD OF GEOLOGISTS.**

29 **(C) "GEOLOGIST" MEANS A INDIVIDUAL WHO IS LICENSED BY THE**
30 **BOARD TO PRACTICE GEOLOGY POSSESSES A DEGREE IN GEOLOGY OR ONE OF ITS SPECIALITIES.**

(D) "GEOLOGIST-IN-TRAINING" MEANS AN INDIVIDUAL WHO HAS:

(1) MET THE ACADEMIC QUALIFICATIONS ESTABLISHED BY THE BOARD;

(2) SUCCESSFULLY PASSED A WRITTEN EXAMINATION DEMONSTRATING A
KNOWLEDGE OF THE FUNDAMENTALS OF GEOLOGY; AND

(3) BEEN LICENSED AS A GEOLOGIST-IN-TRAINING BY THE BOARD.

(E) (1) "GEOLOGY" MEANS THE SCIENCE THAT INCLUDES THE STUDY OF THE
EARTH AND ITS ORIGIN AND HISTORY.

(2) "GEOLOGY" INCLUDES:

(I) THE INVESTIGATION, RESEARCH, AND INTERPRETATION OF THE EARTH'S
CONSTITUENT ROCKS, MINERALS, HYDROCARBONS, SOLIDS, AND FLUIDS, INCLUDING SURFACE
AND UNDERGROUND WATERS, GASES, AND OTHER MATERIALS; AND

(II) THE STUDY OF THE NATURAL AGENTS, FORCES, AND PROCESSES THAT

CAUSE CHANGES IN BOTH THE SUBSURFACE AND SURFACE OF THE EARTH INCLUDING ANY ANTHROPOGENIC FEATURES OR ACTIVITIES THAT MAY AFFECT, OR BE AFFECTED BY, THESE AGENTS, FORCES, PHYSICAL AND CHEMICAL CHARACTERISTICS, AND PROCESSES.

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1 ~~(D)~~ (F) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
2 LICENSE ISSUED BY THE BOARD :

(1) TO PRACTICE GEOLOGY ; OR

(2) TO ACT AS A GEOLOGIST-IN-TRAINING.

3 ~~(E)~~ (G) (1) "PRACTICE GEOLOGY" MEANS TO PERFORM ANY SERVICE OR
4 CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES
5 GEOLOGIC EDUCATION, TRAINING, AND EXPERIENCE IN THE APPLICATION OF
6 THE PRINCIPLES, THEORIES, LAWS, AND BODY OF KNOWLEDGE ENCOMPASSED
7 IN THE SCIENCE OF GEOLOGY.

8 (2) "PRACTICE GEOLOGY" INCLUDES CONSULTATION,
9 RESEARCH, INVESTIGATION, EVALUATIONS, MAPPING, SAMPLING, PLANNING OF
10 GEOLOGIC PROJECTS, AND EMBRACING GEOLOGIC SERVICES OR WORK IN
11 CONNECTION WITH ANY PUBLIC OR PRIVATE UTILITIES, STRUCTURES, ROADS,
12 BUILDINGS, PROCESSES, WORKS, OR PROJECTS.

13 21-102.

14 THE PURPOSE OF THIS TITLE IS TO PROTECT THE PUBLIC, SPECIFICALLY
15 THOSE PERSONS WHO ARE THE DIRECT RECIPIENTS OF SERVICES REGULATED
16 BY THIS TITLE, FROM UNSAFE PRACTICES AND FROM OCCUPATIONAL
17 PRACTICES THAT TEND TO REDUCE COMPETITION OR FIX THE PRICE OF
18 SERVICES RENDERED.

19 SUBTITLE 2. STATE BOARD OF GEOLOGISTS.

20 21-201.

21 THERE IS A STATE BOARD OF GEOLOGISTS IN THE DEPARTMENT.

22 21-202.

23 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.

24 (2) THE DIRECTOR OF THE MARYLAND GEOLOGICAL SURVEY OR
25 A DESIGNEE OF THE DIRECTOR IS AN EX-OFFICIO VOTING MEMBER OF THE BOARD.

26 (3) THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND
27 THE SENATE, SHALL APPOINT THE OTHER SIX MEMBERS, OF WHOM:

28 (I) THREE SHALL BE GEOLOGISTS; AND

29 (II) THREE SHALL BE CONSUMER MEMBERS.

30 (B) (1) EACH MEMBER OF THE BOARD SHALL BE:

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1 (I) A CITIZEN OF THE UNITED STATES; AND

2 (II) A RESIDENT OF THE STATE.

3 ~~(2) A MEMBER DURING THE MEMBER'S TERM MAY NOT HOLD~~
4 ~~ELECTIVE OFFICE IN A PROFESSIONAL ASSOCIATION OF GEOLOGISTS.~~

5 (C) EACH CONSUMER MEMBER OF THE BOARD:

6 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC; AND

7 (2) MAY NOT:

8 (I) BE A LICENSEE OR OTHERWISE SUBJECT TO
9 REGULATION BY THE BOARD;

10 (II) BE AN IMMEDIATE FAMILY MEMBER OF A GEOLOGIST;

11 (III) BE OR HAVE BEEN EMPLOYED BY A GEOLOGIST OR A
12 COMPANY ENGAGED IN THE PRACTICE OF GEOLOGY;

13 (IV) HAVE A MATERIAL INTEREST IN PROVIDING GOODS AND
14 SERVICES TO GEOLOGISTS; OR

15 (V) ENGAGE OR HAVE BEEN ENGAGED IN AN ACTIVITY
16 DIRECTLY RELATED TO GEOLOGY.

17 (D) BEFORE TAKING OFFICE, EACH MEMBER OF THE BOARD SHALL
18 TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND
19 CONSTITUTION.

20 (E) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 3
21 YEARS AND BEGINS ON JULY 1.

22 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
23 REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS ON OCTOBER
24 1, 2008.

25 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES
26 TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

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1 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
2 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
3 APPOINTED AND QUALIFIES.

4 (5) EACH APPOINTED MEMBER IS ELIGIBLE FOR
5 REAPPOINTMENT BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

6 (F) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR
7 INCOMPETENCE, MISCONDUCT, NEGLIGENCE OF DUTIES, OR OTHER SUFFICIENT
8 CAUSE.

9 21-203.

10 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR
11 AND OTHER OFFICERS AS NECESSARY.

12 (B) THE MANNER OF ELECTION AND THE TERM OF AN OFFICER SHALL
13 BE AS THE BOARD DETERMINES.

14 21-204.

15 (A) A MAJORITY OF THE VOTING MEMBERS THEN SERVING ON THE
16 BOARD IS A QUORUM.

17 (B) (1) THE BOARD SHALL MEET AT LEAST ONCE EVERY 3 MONTHS
18 AT A LOCATION AND IN AN OFFICE PROVIDED BY THE STATE.

19 (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN
20 ITS REGULATIONS.

21 (C) A MEMBER OF THE BOARD:

22 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
23 BOARD; BUT

24 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
25 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
26 BUDGET.

27 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE
28 STATE BUDGET.

29 21-205.

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(A) THE BOARD SHALL:**(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;****(2) DESIGNATE THE WRITTEN, STANDARDIZED EXAMINATION ADMINISTERED BY THE NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG) TO BE TAKEN BY ALL INDIVIDUALS APPLYING FOR LICENSURE;****~~(2)~~ (3) ADMINISTER EXAMINATIONS;****~~(3)~~ (4) ISSUE LICENSES;****~~(4)~~ (5) MAINTAIN A LIST OF ALL LICENSEES; AND****~~(5)~~ (6) MAINTAIN A RECORD OF ITS PROCEEDINGS.****(B) THE BOARD SHALL MAKE AVAILABLE THROUGH WRITTEN, ELECTRONIC, OR OTHER MEANS A COPY OF THE BOARD'S REGULATIONS TO EACH APPLICANT FOR A LICENSE OR RENEWAL OF A LICENSE.****(C) THE BOARD MAY SIGN AGREEMENTS WITH GOVERNMENTAL BOARDS OF LICENSURE, REGISTRATION, OR CERTIFICATION OF OTHER STATES AND JURISDICTIONS AND WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, FOR THE PURPOSES OF:****(1) DEVELOPING UNIFORM STANDARDS FOR LICENSURE OF PROFESSIONAL GEOLOGISTS AND GEOLOGISTS-IN-TRAINING;****(2) ACCREDITING EDUCATIONAL PROGRAMS;****(3) ESTABLISHING RECIPROCITY, COMITY, MUTUAL RECOGNITION, OR TEMPORARY LICENSURE;****(4) DEVELOPING REGIONAL OR NATIONAL EXAMINATIONS;****(5) EVALUATING APPLICANTS; OR****(6) ACHIEVING ANY OTHER PURPOSES CONSISTENT WITH THIS TITLE.**10 **21-206.****(A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES A VIOLATION OF THIS TITLE.****(B) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE UNDER THIS SECTION, THE BOARD SHALL PROMPTLY TAKE ACTION THAT IS APPROPRIATE UNDER THIS TITLE TO ENSURE COMPLIANCE WITH THIS TITLE.****(C) (1) IF THE BOARD CONCLUDES THAT CONDUCT ALLEGED TO BE IN VIOLATION OF THIS TITLE WILL RESULT IN HARM TO A RESIDENT OF THE STATE, THE BOARD MAY SEEK A PERMANENT OR TEMPORARY INJUNCTION WITH RESPECT TO THE CONDUCT FROM THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ALLEGED VIOLATION OCCURS.****(2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD IS NOT REQUIRED TO:****(I) POST BOND;****(II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR****(III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF**

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1 (D) THE BOARD, OR A HEARING OFFICER DESIGNATED BY THE BOARD,
2 MAY ADMINISTER OATHS, HOLD HEARINGS, AND TAKE TESTIMONY ABOUT ALL
3 MATTERS WITHIN THE JURISDICTION OF THE BOARD.

4 (E) (1) THE BOARD OR ITS DESIGNEE MAY ISSUE A SUBPOENA FOR
5 THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF
6 EVIDENCE IN CONNECTION WITH:

7 (I) A DISCIPLINARY ACTION BROUGHT UNDER § 21-313 OF
8 THIS TITLE; AND

9 (II) A PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION
10 OF THIS TITLE.

11 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED
12 UNDER THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF
13 COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

14 (F) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE
15 FOR ANY ACTION TAKEN UNDER THIS SECTION.

16 21-207.

17 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY
18 SET REASONABLE FEES FOR ITS SERVICES.

19 (B) REVENUES GENERATED BY THE BOARD SHALL BE AT LEAST EQUAL
20 TO THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE OPERATION OF
21 THE BOARD.

22 21-208.

23 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT
24 TO THE AUTHORITY OF THE SECRETARY.

25 SUBTITLE 3. LICENSING.

26 21-301.

27 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
28 BE LICENSED BY THE BOARD TO PRACTICE GEOLOGY BEFORE THE INDIVIDUAL
29 MAY PRACTICE GEOLOGY IN THE STATE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE
LICENSED BY THE BOARD AS A GEOLOGIST-IN-TRAINING BEFORE THE INDIVIDUAL MAY ACT AS
A GEOLOGIST-IN-TRAINING IN THE STATE.

(C) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL WHO IS ENGAGED SOLELY IN
TEACHING THE SCIENCE OF GEOLOGY AT THE UNIVERSITY LEVEL

(2) AN INDIVIDUAL WHO IS PRACTICING GEOLOGY AS AN EMPLOYEE OF THE UNITED STATES OF AMERICA

30 21-302.

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1 (A) AN APPLICANT FOR A LICENSE SHALL:

2 (1) SUBMIT TO THE BOARD:

3 (i) AN APPLICATION ON THE FORM THAT THE BOARD
4 PROVIDES; AND

5 (ii) ANY DOCUMENT THAT THE BOARD REQUIRES; AND

6 (2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE:

7 (i) A NONREFUNDABLE APPLICATION FEE THAT THE
8 BOARD DETERMINES; AND

9 (ii) AN EXAMINATION FEE SET BY THE BOARD IN AN
10 AMOUNT NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION.

11 (B) AN APPLICATION SHALL BE MADE UNDER OATH.

12 (C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE
13 ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE
14 APPLICANT MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE,
15 THE BOARD MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL
16 INFORMATION OR DOCUMENTATION.

17 21-303.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, TO QUALIFY FOR
19 A LICENSE, AN APPLICANT SHALL:

20 (1) MEET THE REQUIREMENTS OF THIS SECTION; AND

21 (2) PASS AN A NATIONALLY RECOGNIZED EXAMINATION ADMINISTERED BY THE
BOARD.

22 (B) AN APPLICANT FOR A LICENSE TO PRACTICE GEOLOGY SHALL PROVIDE EVIDENCE TO THE
BOARD
23 SHOWING THAT THE APPLICANT:

24 (1) (i) HAS RECEIVED A DEGREE FROM AN ACCREDITED COLLEGE OR
25 UNIVERSITY WITH A MAJOR IN GEOLOGY; OR

26 (2) (ii) HAS COMPLETED 30 CREDIT HOURS OF GEOLOGY OR ITS
27 SUBDISCIPLINES, OF WHICH 24 CREDIT HOURS ARE FOR THIRD OR FOURTH
28 YEAR COURSES OR GRADUATE COURSES;

(2) AFTER COMPLETION OF THE ACADEMIC REQUIREMENTS, HAS ACQUIRED AT
LEAST 5 YEARS OF QUALIFYING EXPERIENCE IN GEOLOGICAL WORK THAT IS SATISFACTORY TO
THE BOARD INDICATING THAT THE APPLICANT IS COMPETENT TO PRACTICE GEOLOGY;

