

HOUSE BILL No. 4440

March 2, 2005, Introduced by Reps. Ward, Garfield, Vagnozzi, Accavitti, Wenke, Sheltrown, Ball, Taub, Plakas, Kahn, Jones, Sak and Gleason and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 213 and 303a (MCL 339.213 and 339.303a),
section 303a as amended by 1995 PA 183, and by adding article 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 213. (1) If a person has not previously been denied a
2 license or a certificate of registration or had a license or a
3 certificate of registration revoked or suspended, the department
4 may grant a nonrenewable temporary license or certificate of
5 registration to an applicant for licensure or registration or
6 transfer of licensure or registration pursuant to articles 8 to
7 25, **BUT NOT INCLUDING ARTICLE 17.**

8 (2) As approved by a board, a temporary license or

1 certificate of registration issued under this section is valid
 2 until 1 or more of the following occurs:

3 (a) The results of the next scheduled examination are
 4 available.

5 (b) The results of the next required evaluation procedure
 6 are available.

7 (c) A license or certificate of registration is issued.

8 (d) The next examination date of an examination for
 9 licensure or registration in the applicable occupation, if the
 10 applicant does not take the examination.

11 (e) The applicant fails to meet the requirements for a
 12 license or certificate of registration.

13 (f) A change in employment is made.

14 (3) A temporary license or certificate of registration may
 15 ~~be limited as defined in article 1~~ **CONTAIN A LIMITATION AS**
 16 **DESCRIBED IN SECTION 105(3).**

17 Sec. 303a. The terms provided for in this act shall commence
 18 on the following dates:

19 Accountancy	July 1
20 Architects	April 1
21 Athletic board of control	April 1
22 Barbers	October 1
23 Collection agencies	July 1
24 Community planners	July 1
25 Cosmetology	January 1
26 Employment agencies	October 1
27 Foresters	April 1
28 Hearing aid dealers	October 1
29 Land surveyors	April 1

1	Landscape architects	July 1
2	Marriage counselors	October 1
3	Mortuary science	July 1
4	Nursing home administrators	January 1
5	Professional engineers	April 1
6	PROFESSIONAL GEOLOGISTS	OCTOBER 1
7	Real estate appraisers	July 1
8	Real estate brokers and salespersons	July 1
9	Residential builders	April 1
10	Social workers	October 1

11 **ARTICLE 17**

12 **SEC. 1701. AS USED IN THIS ARTICLE:**

13 (A) "GEOLOGIST" MEANS AN INDIVIDUAL WHO IS QUALIFIED BY HIS
 14 OR HER KNOWLEDGE OF THE PRINCIPLES OF GEOLOGY ACQUIRED BY
 15 PROFESSIONAL EDUCATION AND PRACTICAL EXPERIENCE.

16 (B) "GEOLOGY" MEANS THE SCIENCE THAT INCLUDES ALL OF THE
 17 FOLLOWING:

18 (i) THE TREATMENT OF THE EARTH AND ITS ORIGIN AND HISTORY, IN
 19 GENERAL.

20 (ii) THE INVESTIGATION OF THE EARTH'S CONSTITUENT ROCKS,
 21 MINERALS, SOLIDS, AND FLUIDS INCLUDING SURFACE AND UNDERGROUND
 22 WATERS, GASES, AND OTHER MATERIALS.

23 (iii) THE STUDY OF THE NATURAL AGENTS, FORCES, AND PROCESSES
 24 WHICH CAUSE CHANGES IN THE EARTH.

25 (C) "PROFESSIONAL GEOLOGIST" MEANS A PERSON WHO IS LICENSED
 26 AS A PROFESSIONAL GEOLOGIST UNDER THIS ARTICLE.

27 (D) "PUBLIC PRACTICE OF GEOLOGY" MEANS THE PERFORMANCE OF
 28 SERVICE TO THE PUBLIC IN CONNECTION WITH THE GEOLOGICAL

1 DESCRIPTION, LOCATION, OR EVALUATION OF GEOLOGICAL MATERIALS,
2 LIQUIDS, AND GASES AND THE NATURAL PROCESSES ACTING UPON THEM.
3 PUBLIC PRACTICE OF GEOLOGY INCLUDES GEOLOGICAL CONSULTING,
4 INVESTIGATING, EVALUATING, SPECIFYING, AND PLANNING RELATING TO
5 THE SCIENCE OF GEOLOGY.

6 (E) "STATE GEOLOGIST" MEANS THE INDIVIDUAL IN CHARGE OF THE
7 MICHIGAN GEOLOGICAL SURVEY ESTABLISHED UNDER PART 601 OF THE
8 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
9 MCL 324.60101 TO 324.60108.

10 (F) "SURVEY" REFERS TO THE MICHIGAN GEOLOGICAL SURVEY
11 ESTABLISHED UNDER PART 601 OF THE NATURAL RESOURCES AND
12 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.60101 TO
13 324.60108.

14 SEC. 1702. THERE IS CREATED A BOARD OF PROFESSIONAL
15 GEOLOGISTS.

16 SEC. 1703. (1) A PERSON SHALL NOT ENGAGE OR OFFER TO ENGAGE
17 IN THE PUBLIC PRACTICE OF GEOLOGY UNLESS LICENSED AS A
18 PROFESSIONAL GEOLOGIST UNDER THIS ARTICLE OR UNLESS EXEMPT FROM
19 LICENSURE UNDER SECTION 1708.

20 (2) A PERSON SHALL NOT USE THE TITLES "PROFESSIONAL
21 GEOLOGIST", "LICENSED PROFESSIONAL GEOLOGIST", "P.G.", OR ANY
22 OTHER TITLE OR DESCRIPTION TENDING TO CONNOTE THAT THE PERSON IS
23 LICENSED UNDER THIS ARTICLE UNLESS THE PERSON IS LICENSED AS A
24 PROFESSIONAL GEOLOGIST.

25 SEC. 1704. (1) TO QUALIFY FOR LICENSURE, AN APPLICANT SHALL
26 MEET ALL OF THE FOLLOWING REQUIREMENTS:

27 (A) THE SUCCESSFUL COMPLETION OF AT LEAST 30 SEMESTER HOURS

OR 45 QUARTER HOURS OF COURSE WORK IN GEOLOGY, CULMINATING IN A BACCALAUREATE OR ADVANCED DEGREE IN GEOLOGY, HYDROGEOLOGY, GEOPHYSICS, GEOCHEMISTRY, GEOLOGICAL ENGINEERING, OR GEOTECHNICAL ENGINEERING FROM AN ACCREDITED COLLEGE OR UNIVERSITY ACCEPTABLE TO THE BOARD. THE BOARD MAY ALLOW COURSES DEALING WITH APPLIED GEOLOGICAL SCIENCE THAT ARE GIVEN UNDER THE AUSPICES OF AN ACADEMIC DEPARTMENT OTHER THAN GEOLOGY TOWARD THE FULFILLMENT OF THE EDUCATION REQUIREMENT.

(B) EXPERIENCE IN PROFESSIONAL GEOLOGICAL WORK CONSISTING OF 1 OF THE FOLLOWING:

(i) EIGHT YEARS OF TEACHING GEOLOGY AS A FACULTY MEMBER AT THE COLLEGE OR UNIVERSITY LEVEL ACCEPTABLE TO THE BOARD.

(ii) EIGHT YEARS OF GEOLOGICAL RESEARCH BY AN APPLICANT AT THE COLLEGE OR UNIVERSITY LEVEL ACCEPTABLE TO THE BOARD.

(iii) EIGHT YEARS OF GEOLOGICAL WORK PERFORMED UNDER THE SUPERVISION OF, OR IN COLLABORATION WITH, A PROFESSIONAL GEOLOGIST AND ACCEPTABLE TO THE BOARD.

(iv) EIGHT YEARS OF OTHER GEOLOGICAL WORK THAT IS ACCEPTABLE TO THE BOARD.

(C) PROVIDE NOT LESS THAN 5 REFERENCES, 3 OF WHICH SHALL BE REFERENCES FROM PROFESSIONAL GEOLOGISTS WHO HAVE PERSONAL KNOWLEDGE OF THE APPLICANT'S PROFESSIONAL EXPERIENCE.

(D) A PASSING SCORE ON AN EXAMINATION ACCEPTABLE TO THE BOARD THAT HAS BEEN DESIGNED TO DEMONSTRATE THAT THE APPLICANT HAS THE NECESSARY KNOWLEDGE AND SKILL TO EXERCISE THE RESPONSIBILITIES OF THE PUBLIC PRACTICE OF GEOLOGY, SUBJECT TO SECTION 1706.

1 (E) BE OF GOOD MORAL CHARACTER.

2 (F) PAY THE APPLICABLE LICENSE AND APPLICATION FEE.

3 (2) IN COUNTING YEARS OF EXPERIENCE UNDER SUBSECTION (1)(B),
4 THE BOARD MAY ALLOW 2 YEARS OF CREDIT EACH FOR A MASTER'S DEGREE
5 OR DOCTORAL DEGREE IN GEOLOGY, HYDROGEOLOGY, GEOPHYSICS,
6 GEOCHEMISTRY, GEOLOGICAL ENGINEERING, OR GEOTECHNICAL ENGINEERING
7 FROM AN ACCREDITED COLLEGE OR UNIVERSITY ACCEPTABLE TO THE BOARD.

8 (3) THE DEPARTMENT MAY ISSUE A LICENSE FOR A TERM OF UP TO 3
9 YEARS IN DURATION.

10 (4) THE DEPARTMENT SHALL NOT ISSUE A TEMPORARY LICENSE UNDER
11 SECTION 213.

12 SEC. 1705. UPON APPLICATION, THE DEPARTMENT SHALL LICENSE A
13 PERSON WHO IS LICENSED OR OTHERWISE REGULATED AS A GEOLOGIST IN A
14 STATE THAT HAS STANDARDS FOR LICENSURE OR REGULATION AT LEAST
15 EQUAL TO THOSE FOR LICENSURE UNDER THIS ARTICLE, AS DETERMINED BY
16 THE BOARD.

17 SEC. 1706. UNTIL 12 MONTHS AFTER THE EFFECTIVE DATE OF THE
18 AMENDATORY ACT THAT ADDED THIS ARTICLE, THE BOARD SHALL WAIVE THE
19 EXAMINATION REQUIREMENT FOR APPLICANTS OTHERWISE QUALIFIED BY
20 EDUCATION, EXPERIENCE, AND INTEGRITY.

21 SEC. 1707. (1) A PROFESSIONAL GEOLOGIST MAY, UPON LICENSURE,
22 OBTAIN AND USE A SEAL OR STAMP OF LICENSURE OF A DESIGN
23 AUTHORIZED BY THE BOARD, CONTAINING THE GEOLOGIST'S NAME AND
24 LICENSE NUMBER AND THE LEGEND "LICENSED PROFESSIONAL GEOLOGIST",
25 "PROFESSIONAL GEOLOGIST", OR "P.G.".

26 (2) A PROFESSIONAL GEOLOGIST SHALL NOT AFFIX HIS OR HER
27 SIGNATURE, STAMP, OR SEAL, OR CERTIFY ANY REPORT OR OTHER

1 GEOLOGICAL DOCUMENT AFTER HIS OR HER LICENSE HAS BEEN SUSPENDED
2 OR REVOKED.

3 SEC. 1708. (1) THE FOLLOWING PERSONS ARE EXEMPT FROM
4 LICENSURE UNDER THIS ARTICLE:

5 (A) A PERSON ENGAGED IN GEOLOGICAL RESEARCH OR THE
6 INSTRUCTION OF GEOLOGY.

7 (B) A LANDSCAPE ARCHITECT REGISTERED UNDER ARTICLE 22 WHO
8 APPLIES GEOLOGY INCIDENTAL TO THE PRACTICE OF LANDSCAPE
9 ARCHITECTURE.

10 (C) A PROFESSIONAL ENGINEER LICENSED UNDER ARTICLE 20 WHO,
11 WHILE ENGAGED IN THE PRACTICE OF PROFESSIONAL ENGINEERING AS
12 DEFINED IN SECTION 2001(G), COLLECTS, INVESTIGATES, INTERPRETS,
13 OR EVALUATES DATA RELATING TO SOIL, ROCK, GROUNDWATER, SURFACE
14 WATER, GASES, OR OTHER EARTH CONDITIONS, OR USES THAT DATA FOR
15 ANALYSIS, CONSULTATION, PLANNING, DESIGN, OR CONSTRUCTION.

16 (D) A PERSON LICENSED TO ENGAGE IN THE PUBLIC PRACTICE OF
17 GEOLOGY IN ANOTHER STATE WHILE TEMPORARILY IN THIS STATE TO
18 PRESENT A PROPOSAL FOR SERVICES.

19 (2) A PERSON WHO DOES 1 OR MORE OF THE FOLLOWING IS SUBJECT
20 TO THE PENALTIES DESCRIBED IN ARTICLE 6:

21 (A) USES THE TERM "PROFESSIONAL GEOLOGIST", "LICENSED
22 PROFESSIONAL GEOLOGIST", "P.G.", OR ANY OTHER TITLE OR
23 DESCRIPTION TENDING TO CONNOTE THAT THE PERSON IS LICENSED UNDER
24 THIS ARTICLE UNLESS LICENSED AS A PROFESSIONAL GEOLOGIST.

25 (B) PRESENTS OR ATTEMPTS TO USE AS THE PERSON'S OWN A
26 LICENSE OR SEAL OF ANOTHER PERSON.

27 (C) SUBMITS FOR APPROVAL TO A PUBLIC OFFICIAL OF THIS STATE,

1 OR A POLITICAL SUBDIVISION OF THIS STATE, A PLAN, REPORT, OR
2 SURVEY FOR FILING AS A PUBLIC RECORD THAT DOES NOT BEAR THE SEAL
3 OF A LICENSED PROFESSIONAL GEOLOGIST.

4 Enacting section 1. This amendatory act does not take
5 effect unless all of the following bills of the 93rd Legislature
6 are enacted into law:

7 (a) Senate Bill No.____ or House Bill No. 4441(request no.
8 00246'05 a *).

9 (b) Senate Bill No.____ or House Bill No. 4442(request no.
10 00246'05 b *).