

HOUSE BILL REPORT

HB 2877

*As Reported By House Committee on:
State Government*

Title: An act relating to the registration of geologists.

Brief Description: Regulating geologists.

Sponsor(s): Representatives Anderson, McLean, Sheldon, Bowman and Pruitt.

Brief History:

Reported by House Committee on:
State Government, February 7, 1992, DPS.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Staff: Linda May (786-7135).

Background: Currently Washington State has no registration or certification program for geologists or engineering geologists.

Summary of Substitute Bill: The Board of Registration for Geologists is created within the Department of Licensing (DOL). There are seven members on the board: three registered geologists, three registered engineering geologists, and one public member. Members are appointed by the governor; in making appointments, the governor is to consider the interests of women, minorities, and geographic regions of the state. The bill provides for board members' terms, compensation, and possible reasons for removal from the board. With the advice and consent of the director of DOL, the board may employ personnel and arrange for other assistance as required to carry out its duties under this new chapter.

Persons who are practicing or offering to practice geology or engineering geology in Washington must be either

registered by the board or exempt from registration. The board is assigned the duties of considering all applications for registration as a geologist or an engineering geologist; preparing, administering and grading oral and written examinations; issuing and renewing certificates of registration; adopting a code of professional conduct; working with boards of registration in other states; and publishing a roster of registered geologists and engineering geologists.

The director of DOL is given the authority to investigate complaints of unprofessional conduct on the part of registered geologists and engineering geologists. Examples of what constitutes unprofessional behavior are provided. If the director concludes that a registrant has acted unprofessionally, the director may impose one or a combination of identified sanctions or disciplinary actions.

Persons who are engaged in a number of specified activities are not required to register with the board as geologists or engineering geologists. Activities include research and the teaching of geology, geological exploration for minerals and development of energy resources, and work performed by engineers or members of other professions.

A geologists licensing account is created in the state treasury. An appropriation of \$75,000 is provided to DOL from the general fund for administration of the new chapter. The board and the director of the department are directed to establish fees to be charged to applicants and registrants. Fees are to be set at a level adequate to pay the costs of administering the new chapter. In addition, additional fees are to be charged to repay the initial general fund appropriation by June 30, 1997.

Substitute Bill Compared to Original Bill: The original bill assigned much broader powers and duties to the board; the substitute bill divides powers and duties more evenly between the board and DOL. The substitute bill provides more guidance to the board on setting requirements for registration. The substitute bill also details what actions constitute unprofessional behavior and what sanctions and disciplinary actions the director of DOL may impose. The substitute bill adds a separate registration for engineering geologists and adds a means for grandparenting practicing geologists and engineering geologists who meet requirements established by the board. The substitute bill also directs the governor to consider geographic representation, in addition to representation of women and minorities, when making appointments to the board.

Fiscal Note: Available.

Appropriation: \$75,000 from the general fund.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The primary purpose for a program like this is protection of the public. This bill offers protection for the public without interfering with the practice of those whose geological work does not affect public health, safety, and welfare. The bill exempts the engineering profession, so there will be no need for dual registration. In addition to protecting public safety, there is a need to protect the public's pocketbook so that people don't end up paying the costs from poor geological work. New regulation and planning requirements such as those in the Growth Management Act now require geological work to be done by local governments. Agencies need some assurance that the material being submitted to them is accurate and properly prepared by people who know what they are doing; right now there is no way to really tell if people are qualified to be doing this work. There are similar situations for agencies who deal with forest practice requirements. A major change has occurred over the years in how this profession is applied. It used to be that only a small group of people asked for geological services. These people knew what they wanted and also knew who was good. Now a much larger group of people need these services. They no longer know exactly what they need to meet new requirements such as those under the Growth Management Act, and there is no way for these people to distinguish who is or isn't qualified to do the work.

Testimony Against: There definitely needs to be a separate registration for engineering geologists. It might be a good idea to add other specialty area registrations as well, such as hydrogeologists. The bill is too open-ended because standards for registration are left up to the board rather than enumerated in statute. There should be a strong test for grandfathering written into the statute. There is no mention in the bill of a role or authority for the Department of Licensing. Either the board should be a separate entity, or there should be a defined role for the department. The board should have more direction on defining minimum qualifications for registration. No basis is provided for denying or revoking registrations, nor are specific disciplinary actions identified. The funding requested in the bill may not be sufficient; it takes lots of work to create a new program. The smaller the licensing base for a registration program, the larger the cost hit will be per registrant. Dishonesty cannot be controlled with a license. The department's sunrise review of registering geologists concluded that such a program was

premature. There is a large gray area of commonality of practice between engineering and geology. Areas of practice need to be worked out more carefully prior to enactment of this program. The board would operate better independently rather than being under the Department of Licensing.

Witnesses: Ray Lasmanis, Department of Natural Resources; Leonard Palmer, Oregon Association of Engineering Geologists; Rex Humphrey, American Institute of Professional Geologists; Marziah Kiehn, Thurston Regional Planning Council; Suzanne Dudziak; David Polivka; Anne MacDonald, Washington State Section of the Association of Engineering Geologists; Christopher Mathewson, Texas A&M University; John Bethel, King County; Kathleen Goodman, Northwest Geological Society; Kenneth Neal, Association of Engineering Geologists; Mike Krautkramer, Robinson & Noble, Inc.; Dave Garland, Department of Ecology; Matt Brunengo, Department of Natural Resources (all in favor); Eugene McMaster, American Society of Civil Engineers; Marsha Long, Department of Licensing (opposed); and Linton Wildrick, National Groundwater Association.