
SENATE BILL 6455

State of Washington

56th Legislature

2000 Regular Session

By Senators Gardner, Winsley, Fraser, Shin, Kohl-Welles, Brown, Costa, Fairley and Jacobsen

Read first time 01/17/2000. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to the regulation of geologists; adding a new
2 chapter to Title 18 RCW; prescribing penalties; providing effective
3 dates; and providing for submission of a certain section of this act to
4 a vote of the people.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds it is in the public
7 interest to regulate the practice of geology to safeguard life, health,
8 and property and to promote the public welfare.

9 NEW SECTION. **Sec. 2.** (1) It is unlawful for any person to
10 practice, or offer to practice, geology for others in this state, or to
11 use in connection with his or her name or otherwise assume or advertise
12 any title or description tending to convey the impression that he or
13 she is a geologist unless the person has been licensed or exempted
14 under the provisions of this chapter.

15 (2) A person shall be construed to practice or offer to practice
16 geology, within the meaning and intent of this chapter, if the person:

17 (a) Practices any branch of the profession of geology;

1 (b) By verbal claim, sign, advertisement, letterhead, card, or in
2 any other way represents himself or herself to be a geologist;

3 (c) Through the use of some other title implies that he or she is
4 a geologist or that he or she is licensed under this chapter; or

5 (d) Holds himself or herself out as able to perform or does perform
6 any geological services or work recognized by the board as the practice
7 of geology.

8 NEW SECTION. **Sec. 3.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires otherwise.

10 (1) "Board" means the geologist licensing board.

11 (2) "Department" means the department of licensing.

12 (3) "Director" means the director of the department of licensing.

13 (4) "Geologist" means a person who, by reason of his or her
14 knowledge of geology, mathematics, and the supporting physical and life
15 sciences, acquired by education and practical experience, has met the
16 qualifications established under this chapter, and has been issued a
17 certificate of licensing as a geologist by the board.

18 (5) "Geology" means the science that includes: Treatment of the
19 earth and its origin and history, in general; the investigation of the
20 earth's constituent rocks, minerals, solids, fluids, including surface
21 and underground waters, gases, and other materials; and the study of
22 the natural agents, forces, and processes that cause changes in the
23 earth.

24 (6) "Practice of geology" means performance of geological service
25 or work including but not limited to consultation, investigation,
26 evaluation, planning, geological mapping, and inspection of geological
27 work, and the responsible supervision thereof, the performance of which
28 is related to public welfare or the safeguarding of life, health,
29 property, and the environment, except as otherwise specifically
30 provided by this chapter.

31 (7) "Responsible charge" means the independent control and
32 direction, by use of initiative, skill, and independent judgment, of
33 geological work or the supervision of such work.

34 (8) "Subordinate" means any person who assists in the practice of
35 geology by a licensed geologist or an exempt person, without assuming
36 the responsible charge of the work.

37 (9) "Engineering geology" means a specialty of geology affecting
38 (a) the planning, design, operation, and maintenance of engineering

1 works; (b) the development, protection, and remediation of ground and
2 surface water resources; and (c) other human activities where
3 geological factors and conditions impact the public welfare or the
4 safeguarding of life, health, property, and the environment.

5 (10) "Engineering geologist" means a geologist who, by reason of
6 his or her knowledge of engineering geology, acquired by education and
7 practical experience, is qualified to engage in the practice of
8 engineering geology, has met the qualifications in engineering geology
9 established under this chapter, and has been issued a license in
10 engineering geology by the board.

11 (11) "Practice of engineering geology" means performance of
12 geological service or work including but not limited to consultation,
13 investigation, evaluation, planning, geological mapping, and inspection
14 of geological work, and the responsible supervision thereof, the
15 performance of which is related to public welfare or the safeguarding
16 of life, health, property, and the environment, except as otherwise
17 specifically provided by this chapter, and includes but is not limited
18 to the commonly recognized geological practices of construction
19 geology, hydrogeology, environmental geology, and urban geology.

20 (12) "Specialty" means a branch of geology that has been recognized
21 under this chapter for the purposes of licensure. Engineering geology
22 is considered to be a specialty of geology.

23 (13) "Licensed specialty geologist" means a licensed geologist who
24 has met the qualifications in a specialty of geology established under
25 this chapter and has been issued a license in that specialty by the
26 board.

27 NEW SECTION. **Sec. 4.** The state geologist licensing board is
28 created. The board consists of seven members, six of whom shall be
29 appointed by the director, who shall advise the director concerning the
30 administration of this chapter. Of the initial appointments to the
31 board, five shall be actively engaged in the practice of geology for at
32 least ten years, five of which shall have been immediately prior to
33 their appointment to the board. Subsequent to the initial
34 appointments, five members of the board must be geologists licensed
35 under this chapter, two of whom shall be licensed in a specialty of
36 geology recognized under this chapter. Insofar as possible, the
37 composition of the appointed geologists serving on the board shall be
38 generally representative of the occupational distribution of geologists

1 licensed under this chapter. One member of the board must be a member
2 of the general public with no family or business connection with the
3 practice of geology. The supervisor of geology of the department of
4 natural resources is an ex officio member of the board. Members of the
5 board shall be appointed for terms of four years. Terms shall be
6 staggered so that not more than two appointments are scheduled to be
7 made in any calendar year. Members shall hold office until the
8 expiration of the terms for which they were appointed and until their
9 successors have been appointed and have qualified. A board member may
10 be removed for just cause. The director may appoint a new member to
11 fill a vacancy on the board for the remainder of the unexpired term.

12 Each board member shall be entitled to compensation for each day
13 spent conducting official business and to reimbursement for travel
14 expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

15 NEW SECTION. **Sec. 5.** The director has the following authority in
16 administering this chapter:

17 (1) To adopt, amend, and rescind rules approved by the board as
18 deemed necessary to carry out this chapter;

19 (2) To adopt fees as provided in RCW 43.24.086;

20 (3) To administer licensing examinations approved by the board and
21 to adopt or recognize examinations prepared by other organizations as
22 approved by the board;

23 (4) To issue subpoenas and administer oaths in connection with an
24 investigation, hearing, or proceeding held under this chapter;

25 (5) To take or cause depositions to be taken and use other
26 discovery procedures as needed in an investigation, hearing, or
27 proceeding held under this chapter;

28 (6) To compel attendance of witnesses at hearings;

29 (7) In the course of investigating a complaint or report of
30 unprofessional conduct, to direct the board to conduct practice reviews
31 and disciplinary hearings;

32 (8) To take emergency action ordering summary suspension of a
33 license, or restrict or limit a licensee's practice pending further
34 proceedings by the director;

35 (9) To use the board or, at the request of the board, the office of
36 administrative hearings, as authorized in chapter 34.12 RCW, to conduct
37 hearings. However, the director or the director's designee shall make
38 the final decision as to disposition of the charges;

1 (10) To enter into contracts for professional services determined
2 to be necessary for adequate enforcement of this chapter;

3 (11) To adopt standards of professional conduct and practice as
4 approved by the board;

5 (12) In the event of a finding of unprofessional conduct by an
6 applicant or license holder, to impose sanctions against a license
7 applicant or license holder as provided by this chapter;

8 (13) To enter into an assurance of discontinuance in lieu of
9 issuing a statement of charges or conducting a hearing. The assurance
10 shall consist of a statement of the law in question and an agreement to
11 not violate the stated provision. Violation of an assurance under this
12 subsection is grounds for disciplinary action;

13 (14) To designate individuals authorized to sign subpoenas and
14 statement of charges; and

15 (15) To employ investigative, administrative, and clerical staff as
16 necessary for the enforcement of this chapter.

17 NEW SECTION. **Sec. 6.** The board has the following authority in
18 administering this chapter:

19 (1) To establish rules, including board organization and assignment
20 of terms, for adoption by the director;

21 (2) To establish the minimum qualifications for applicants for
22 licensure as provided by this chapter;

23 (3) To approve the method of administration for examinations
24 required by this chapter or by rule as established by the director. To
25 approve the adoption or recognition of examinations prepared by other
26 organizations for adoption by the director. To set the time and place
27 of examinations with the approval of the director;

28 (4) To establish and review standards of professional conduct and
29 practice for adoption by the director. Rules of professional conduct
30 will be consistent with those outlined for engineers and land
31 surveyors;

32 (5) To designate specialties of geology to be licensed under this
33 chapter;

34 (6) To conduct disciplinary hearings; and

35 (7) To conduct practice reviews.

36 NEW SECTION. **Sec. 7.** In order to become a licensed geologist, an
37 applicant must meet the following requirements:

1 (1) The applicant shall be of good moral and ethical character as
2 attested to by letters of reference submitted by the applicant or as
3 otherwise determined by the board;

4 (2) The applicant shall have graduated from a course of study in
5 geology satisfactory to the board or satisfy educational equivalents
6 determined by the board;

7 (3) The applicant shall have a documented record of a minimum of
8 four years of experience in geology or a specialty of geology, obtained
9 subsequent to completion of the academic requirements specified in this
10 section, in geological work of a character satisfactory to the board,
11 demonstrating that the applicant is qualified to assume responsible
12 charge of such work upon licensing as a geologist. The board may
13 require that up to two years of the experience be gained under the
14 supervision of a geologist licensed in this or any other state, or
15 under the supervision of others who, in the opinion of the board, are
16 qualified to have responsible charge of geological work;

17 (4) The applicant shall have passed an examination covering the
18 fundamentals and practice of geology prescribed or accepted by the
19 board;

20 (5) The applicant shall meet other general or individual
21 requirements established by the board pursuant to its authority under
22 this chapter;

23 (6) For licensing in any geological specialty recognized under this
24 chapter, an applicant must first be a licensed geologist under this
25 chapter, and then meet the following requirements:

26 (a) In addition to the educational requirements for licensing as a
27 geologist defined in subsection (2) of this section, an applicant for
28 licensing in any specialty of geology established by the board shall
29 have successfully completed advanced study pertinent to their
30 specialty, or equivalent seminars or on-the-job training acceptable to
31 the board;

32 (b) The applicant's experience shall include a documented record of
33 four years of experience, after completion of the academic requirements
34 specified in this subsection, in geological work in the applicable
35 specialty of a character satisfactory to the board, and demonstrating
36 that the applicant is qualified to assume responsible charge of the
37 specialty work upon licensing in that specialty of geology. The board
38 may require that up to two years of the experience be gained under the
39 supervision of a geologist licensed in the specialty in this or any

1 other state, or under the supervision of others who, in the opinion of
2 the board, are qualified to have responsible charge of geological work
3 in the specialty; and

4 (c) The applicant must pass an examination in the applicable
5 specialty prescribed or accepted by the board;

6 (7) The following standards are applicable to experience in the
7 practice of geology or a specialty required under subsections (3) and
8 (6) of this section:

9 (a) Each year of professional practice of a character acceptable to
10 the board, carried out under the direct supervision of a geologist who
11 (i) is licensed in this state or is licensed in another state with
12 licensing standards substantially similar to those under this chapter;
13 or (ii) meets the educational and experience requirements for
14 licensing, but who is not required to be licensed under the limitations
15 of this chapter, qualifies as one year of professional experience in
16 geology;

17 (b) Each year of professional engineering geology practice of a
18 character acceptable to the board, carried out under the direct
19 supervision of (i) an engineering geologist who is licensed as such
20 under this chapter, or who is licensed as an engineering geologist in
21 another state that has licensing requirements that are substantially
22 similar to this chapter; (ii) a professional engineer licensed in this
23 or any other state; or (iii) an engineering geologist who meets the
24 educational and experience requirements for licensing, but who is not
25 required to be licensed under the limitations of this chapter,
26 qualifies as one year of practice in engineering geology;

27 (c) Each year of professional specialty practice of a character
28 acceptable to the board, carried out under the direct supervision of a
29 (i) geologist who is licensed in a specialty under this chapter, or who
30 is licensed as a specialty geologist in another state that has
31 licensing requirements that are substantially similar to this chapter;
32 or (ii) specialty geologist who meets the educational and experience
33 requirements for licensing, but who is not required to be licensed
34 under the limitations of this chapter, qualifies as one year of
35 practice in the applicable specialty of geology; and

36 (d) Experience in professional practice, of a character acceptable
37 to the board and acquired prior to one year after the effective date of
38 this section, qualifies if the experience (i) was acquired under the
39 direct supervision of a geologist who meets the educational and

1 experience requirements for licensing under this chapter, or who is
2 licensed in another state that has licensing requirements that are
3 substantially similar to this chapter; or (ii) would constitute
4 responsible charge of professional geological work, as determined by
5 the board;

6 (8) Each year of full-time graduate study in the geological
7 sciences or in a specialty of geology shall qualify as one year of
8 professional experience in geology or the applicable specialty of
9 geology, up to a maximum of two years. The board may accept geological
10 research, teaching of geology, or a geological specialty at the college
11 or university level as qualifying experience, provided that such
12 research or teaching, in the judgment of the board, is comparable to
13 experience obtained in the practice of geology or a specialty thereof;

14 (9) An applicant who applies for licensing within one year after
15 this section becomes effective shall be considered to be qualified for
16 licensing, without further written examination, if the applicant
17 possesses the following qualifications:

18 (a)(i) A specific record of graduation with a bachelor of science
19 or bachelor of arts or higher degree, with a major in geology granted
20 by an approved institution of higher education acceptable to the board;
21 or

22 (ii) Graduation from an approved institution of higher education in
23 a four-year academic degree program other than geology, but with the
24 required number of course hours as defined by the board to qualify as
25 a geologist or engineering geologist; and

26 (b) Experience consisting of a minimum of four years of
27 professional practice in geology or a specialty thereof, of a character
28 acceptable to the board;

29 (10) An applicant who applies for licensing in a specialty within
30 one year after recognition of the specialty under this chapter shall be
31 considered qualified for licensing in that specialty, without further
32 written examination, if the applicant:

33 (a) Is qualified for licensing as a geologist in this state; and

34 (b) Has experience consisting of a minimum four years of
35 professional practice in the applicable specialty of geology, of a
36 character acceptable to the board; and

37 (11) The geologists initially appointed to the board under section
38 4 of this act shall be qualified for licensing under subsections (7)
39 and (8) of this section.

1 NEW SECTION. **Sec. 8.** An application for licensing shall be filed
2 with the director on a form provided by the director and must contain
3 statements made under oath demonstrating the applicant's education and
4 practical experience. The director may require any information and
5 documentation that reasonably relates to the need to determine whether
6 the applicant meets the criteria for licensing. The application fee
7 for initial licensing shall be determined by the director as provided
8 in RCW 43.24.086. The application, together with the fee, must be
9 submitted to the department prior to the application deadline
10 established by the director. Fees for initial licensing shall include
11 the examination and issuance of a certificate. If the director finds
12 an applicant ineligible for licensing, the fee shall be retained as an
13 application fee.

14 NEW SECTION. **Sec. 9.** Examinations of applicants for licensing,
15 when required, shall be held at such times and places as determined by
16 the board with the director's approval. The scope of the examination
17 shall be directed to an applicant's ability to practice geology or any
18 approved specialty of geology in a manner to ensure the safety of life,
19 health, and property. A candidate failing an examination may apply for
20 reexamination. Subsequent examinations will be granted upon payment of
21 a fee to be determined by the director as provided in RCW 43.24.086.

22 NEW SECTION. **Sec. 10.** The director shall issue a certificate of
23 licensing to any applicant who has satisfactorily met all of the
24 requirements of this chapter for licensing as a geologist or an
25 approved specialty geologist. The certificate shall show the full name
26 of the license holder, shall have a certificate number, and shall be
27 signed by the director and an officer of the board. The issuance by
28 the director of a certificate of licensing to an individual shall be
29 prima facie evidence that the person is entitled to all the rights and
30 privileges of a licensed geologist or specialty geologist while the
31 certificate remains unrevoked or unexpired.

32 Each license holder shall obtain a seal of the design authorized by
33 the director, bearing the licensee's name, certificate number, and the
34 legend "licensed geologist" together with any specialty in which the
35 individual may be authorized. Geological reports, plans, and other
36 technical documents prepared by or under the responsible charge of the
37 license holder shall be signed, dated, and stamped with the seal or

1 facsimile thereof. Each signature and stamping constitutes a
2 certification by the license holder that the document was prepared by
3 or under his or her responsible charge and that to his or her knowledge
4 and belief the document was prepared in accordance with the
5 requirements of this chapter.

6 NEW SECTION. **Sec. 11.** The director may, upon application and
7 payment of a fee determined by the director as provided in RCW
8 43.24.086, issue a license and certificate without further examination
9 as a geologist or specialty geologist to any person who holds a license
10 or certificate of qualification issued by proper authority of any
11 state, territory, or possession of the United States, District of
12 Columbia, or any foreign country, if the applicant's qualifications, as
13 evaluated by the board, meet the requirements of this chapter and the
14 rules adopted by the director.

15 NEW SECTION. **Sec. 12.** Licenses issued in conformance with this
16 chapter shall be renewed periodically on a date to be set by the
17 director in conformance with RCW 43.24.140. A license holder who fails
18 to pay the prescribed fee within ninety days following the date of
19 expiration shall pay a renewal fee equal to the current fee plus an
20 amount equal to one year's renewal fee. Any license that has been
21 expired for five years or more may be reinstated in conformance with
22 rules adopted by the director. Reinstatement conditions may include
23 demonstration of continued practice or competency in the practice of
24 geology or an approved specialty of geology.

25 NEW SECTION. **Sec. 13.** (1) All fees and fines collected under the
26 provisions of this chapter shall be paid into the geologists' account,
27 created in subsection (2) of this section.

28 (2) The geologists' account is created in the custody of the state
29 treasurer. All receipts from fines and fees collected under this
30 chapter must be deposited into the account. Expenditures from the
31 account may be used only to carry out the duties required for the
32 operation and enforcement of this chapter. Only the director of
33 licensing or the director's designee may authorize expenditures from
34 the account. The account is subject to allotment procedures under
35 chapter 43.88 RCW, but an appropriation is not required for
36 expenditures.

1 NEW SECTION. **Sec. 14.** The following acts are prohibited and
2 constitute grounds for disciplinary action or denial, suspension, or
3 revocation of any license under this chapter:

4 (1) Knowingly violating any of the provisions of this chapter or
5 the rules adopted under this chapter;

6 (2) Knowingly making a material misstatement or omission in the
7 application for or renewal of a license;

8 (3) Not meeting the qualifications for licensing set forth by this
9 chapter;

10 (4) Incompetency, misconduct, fraud, gross negligence, or repeated
11 incidents of negligence in or related to the practice of geology;

12 (5) Conviction of a gross misdemeanor or felony or the commission
13 of any act involving moral turpitude, dishonesty, or corruption whether
14 or not the act constitutes a crime. If the act constitutes a crime,
15 conviction in a criminal proceeding is not a condition precedent to
16 disciplinary action. Upon such conviction, however, the judgment and
17 sentence is conclusive evidence at the ensuing disciplinary hearing of
18 the guilt of the license holder or applicant of the crime described in
19 the indictment or information, and of the person's violation of the
20 statute on which it was based. For the purposes of this section,
21 conviction includes all instances in which a plea of guilty or nolo
22 contendere is the basis for the conviction and all proceedings in which
23 the sentence has been deferred or suspended. Nothing in this section
24 abrogates rights guaranteed under chapter 9.96A RCW;

25 (6) Advertising that is false, fraudulent, or misleading;

26 (7) Suspension, revocation, or restriction of the individual's
27 license to practice the profession by competent authority in any state,
28 federal, or foreign jurisdiction, a certified copy of the order,
29 stipulation, or agreement being conclusive evidence of the revocation,
30 suspension, or restriction;

31 (8) Aiding or abetting an unlicensed person to practice if a
32 license is required;

33 (9) Failure to adequately supervise subordinates to the extent that
34 the public health or safety is at risk;

35 (10) Failure to cooperate with the director by:

36 (a) Not furnishing any necessary papers or documents requested by
37 the director for purposes of conducting an investigation for
38 disciplinary action, denial, suspension, or revocation of a license
39 under this chapter;

1 (b) Not furnishing in writing a full and complete explanation
2 covering the matter contained in a complaint filed with the department;
3 or

4 (c) Not responding to subpoenas issued by the director, whether or
5 not the recipient of the subpoena is the accused in the proceeding;

6 (11) Failure to comply with an order issued by the director or an
7 assurance of discontinuance entered into with the director;

8 (12) Interference with an investigation or disciplinary proceeding
9 by willful misrepresentation of facts before the director or the
10 director's authorized representative, or by use of threats or
11 harassment against any client or witness to prevent them from providing
12 evidence in a disciplinary proceeding or any other legal action; or

13 (13) Committing any other act, or failing to act, which act or
14 failure are customarily regarded as being contrary to the accepted
15 professional conduct or standard generally expected of those practicing
16 geology.

17 NEW SECTION. **Sec. 15.** The procedures governing adjudicative
18 proceedings before agencies under chapter 34.05 RCW govern all hearings
19 before the director or his or her designee. Upon a finding that a
20 license holder or applicant has committed unprofessional conduct, the
21 director may issue an order providing for one or any combination of the
22 following:

23 (1) Revocation of the license;

24 (2) Suspension of the license for a fixed or indefinite term;

25 (3) Restriction or limitation of the practice;

26 (4) Issuance of a civil fine not to exceed five thousand dollars
27 for each violation;

28 (5) Requiring satisfactory completion of a specific program of
29 remedial education or treatment;

30 (6) Monitoring of the practice by a peer approved by the director;

31 (7) Reprimand or censure;

32 (8) Compliance with conditions of probation for a designated period
33 of time;

34 (9) Withholding of a license request;

35 (10) Refund of fees billed to and collected from the consumer; or

36 (11) Other corrective action.

37 Any of the actions under this section may be totally or partly
38 stayed by the director. All costs associated with compliance with

1 orders issued under this section are the obligation of the license
2 holder or applicant.

3 NEW SECTION. **Sec. 16.** A person, including but not limited to
4 consumers, licensees, corporations, organizations, and state and local
5 governments or agencies, may submit a written complaint to the
6 department charging a license holder or applicant with unprofessional
7 conduct and specifying the grounds for the charge. If the director
8 determines that the complaint merits investigation, or if the director
9 has reason to believe, without a formal complaint, that a license
10 holder or applicant may have engaged in unprofessional conduct, the
11 director shall investigate to determine if there has been
12 unprofessional conduct. A person who files a complaint under this
13 section in good faith is immune from suit in any civil action related
14 to the filing or contents of the complaint. The director, individuals
15 acting on the director's behalf, and members of the board are immune
16 from suit in any action, civil or criminal, based on disciplinary
17 proceedings or other official acts performed in the course of their
18 duties in the administration and enforcement of this chapter.

19 NEW SECTION. **Sec. 17.** The following acts are prohibited and any
20 person committing any of the following acts is guilty of a class 1
21 civil infraction under chapter 7.80 RCW:

22 (1) The practice or offer to practice geology or geological
23 specialty without being licensed in accordance with the provisions of
24 this chapter;

25 (2) Presenting or attempting to use as his or her own the
26 certificate of licensing or seal of another;

27 (3) Giving any false or forged evidence of any kind to the director
28 or his or her authorized representative in obtaining a license;

29 (4) Falsely impersonating any other licensee; or

30 (5) Attempting to use the expired or revoked certificate of
31 licensing.

32 All fees, fines, and penalties collected or assessed by a court
33 because of a violation of this section shall be remitted to the
34 department to be deposited into the geologists' account created in
35 section 13 of this act.

1 NEW SECTION. **Sec. 18.** The director is authorized to apply for
2 relief by injunction without bond, to restrain a person from the
3 commission of any act that is prohibited under this chapter. In such
4 proceedings, it is not necessary to allege or prove either that an
5 adequate remedy at law does not exist, or that substantial or
6 irreparable damage would result from continued violation. The
7 director, individuals acting on the director's behalf and members of
8 the board are immune from suit in any action, civil or criminal, based
9 on disciplinary proceedings or other official acts performed in the
10 course of their duties in the administration and enforcement of this
11 chapter.

12 NEW SECTION. **Sec. 19.** The following activities do not require a
13 certificate of licensing under this chapter:

14 (1) Geological work performed by an employee or a subordinate of a
15 geologist or specialty geologist licensed under this chapter, provided
16 that the work does not include responsible charge of geological work as
17 covered by this section, and is performed under the direct supervision
18 of a geologist licensed under this chapter, who shall be and remains
19 responsible for such work;

20 (2) Geological work performed by officers and employees of the
21 United States practicing solely as such officers and employees;

22 (3) Geological work performed exclusively in the exploration for
23 energy and mineral resources, insofar as such work has no substantial
24 impact upon the public health, safety, and welfare as determined by
25 regulations issued by the director;

26 (4) Geological research conducted through academic institutions,
27 agencies of the federal or state governments, nonprofit research
28 institutions, or for-profit organizations, including submission of
29 reports of research to public agencies;

30 (5) Teaching geology or related physical or natural sciences;

31 (6) The practice of engineering or other licensed professions: (a)
32 The acquisition of engineering data involving soil, rock, ground water,
33 and other earth materials; evaluation of the physical and chemical
34 properties of soil, rock, ground water, and other earth materials; and
35 the utilization of these data in analysis, design, and construction by
36 professional engineers appropriately registered or licensed in this
37 state; and (b) similar work performed by persons or organizations
38 licensed or registered in any other profession or occupation related to

1 geology, provided that such work is permitted under the applicable
2 licensing or registration law, and is incidental to the practice or the
3 profession or occupation for which licensing or registration is
4 required. Nothing in this section shall be construed to permit the use
5 of the title geologist or engineering geologist by an engineer or other
6 licensed professional except as licensed under this chapter;

7 (7) Work customarily performed by such physical or natural
8 scientists as chemists, archaeologists, geographers, hydrologists,
9 oceanographers, pedologists, and soil scientists, providing such work
10 does not include the design and execution of geological investigations,
11 being in responsible charge of geological or specialty geological work,
12 or the drawing of geological conclusions and recommendations in a way
13 that affects the public health, safety, or welfare; or

14 (8) The giving of testimony, or preparation and presentation of
15 exhibits or documents for the sole purpose of being placed in evidence
16 before any administrative or judicial tribunal or hearing, providing
17 such testimony, exhibits, or documents do not imply that the person is
18 registered under the provisions of this chapter.

19 NEW SECTION. **Sec. 20.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 21.** Sections 1 through 20 of this act
24 constitute a new chapter in Title 18 RCW.

25 NEW SECTION. **Sec. 22.** (1) Sections 1 through 4, 6 through 14, 16,
26 and 18 through 20 of this act take effect July 1, 2000.

27 (2) Sections 15 and 17 of this act take effect July 1, 2001.

28 NEW SECTION. **Sec. 23.** The secretary of state shall submit section
29 5 of this act to the people for their adoption and ratification, or
30 rejection, at the next general election to be held in this state, in
31 accordance with Article II, section 1 of the state Constitution and the
32 laws adopted to facilitate its operation. The suggested ballot title

1 for this act shall be: "Shall the department of licensing be
2 authorized to levy fees necessary to pay for professional licensure?"

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