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HOUSE BILL NO. 1835
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on _____)
(Patron Prior to Substitute—Delegate Wiley)

A BILL to amend and reenact §§ 54.1-2200, 54.1-2200.2, and 54.1-2208.1 through 54.1-2208.4 of the Code of Virginia, relating to professions and occupations; regulation of geologists; licensure; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2200, 54.1-2200.2, and 54.1-2208.1 through 54.1-2208.4 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geological mapping" means the process of creating a map on which is recorded geological information, such as the distribution, nature, and age of relationships of rock units, in which surficial deposits may or may not be mapped separately, and the occurrence of structural features such as folds, faults, and joints; mineral deposits; and fossil localities. "Geological mapping" may indicate geologic structure by means of formational outcrop patterns, by conventional symbols giving the direction and amount of dip at certain points, or by structure-contour lines.

"Geologist" means a person engaged in the practice of geology.

"Geology" means the science encompassing those principles and methods related to (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures that compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

31 "Practice of geology" means the performance of any professional service or work wherein the principles
32 and methods of geology are applied, including (i) investigating, evaluating, and consulting; (ii) geological
33 mapping; (iii) describing the natural processes that act upon the earth's materials; (iv) predicting the probable
34 occurrence of natural processes; and (v) inspecting, planning, and performing and supervising geological
35 work in order to enhance and protect the health, safety, and welfare of the public and the environment.

36 "Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including,
37 observation, investigation, and consultation on measured, observed, and inferred soils and their properties;
38 analysis of the effects of these properties on the use and management of various kinds of soil; and preparation
39 of soil descriptions, maps, reports, and interpretive drawings.

40 "Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods
41 including, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and
42 preparation of wetland delineations, descriptions, reports, and interpretive drawings.

43 "Qualified geologist" means an ~~uncertified~~ *unlicensed* person who possesses all the qualifications
44 specified in this chapter for ~~certification~~ *licensure*.

45 "Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface
46 which are capable of supporting plant life and have properties caused by the combined effects, as modified by
47 topography and time, of climate and living organisms upon parent materials.

48 "Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil, and
49 predicting their suitability for and response to various uses.

50 "Soil science" means the science dealing with the physical, chemical, mineralogical, and biological
51 properties of soils as natural bodies.

52 "Soil scientist" means a person having special knowledge of soil science and the methods and principles
53 of soil evaluation as acquired by education and experience in the formation, description, and mapping of
54 soils.

55 ~~"Virginia certified professional geologist" means a person who possesses all qualifications specified in~~
56 ~~this chapter for certification and whose competence has been attested by the Board through certification.~~

57 "Virginia certified professional wetland delineator" means a person who possesses the qualifications
58 required for certification by the provisions of this chapter and the regulations of the Board and who is granted
59 certification by the Board.

60 "Virginia licensed professional geologist" means a person who possesses all qualifications specified in
61 this chapter for licensure and whose competence has been attested by the Board through licensure.

62 "Virginia licensed professional soil scientist" means a person who possesses the qualifications required
63 for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a
64 license by the Board.

65 "Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal
66 regulatory guidance and describing wetland types.

67 "Wetland professional" means a person having special knowledge of wetland science and the methods and
68 principles of wetland delineation as acquired by education and experience in the formation, description, and
69 mapping of wetlands.

70 "Wetland science" means the science dealing with the physical, chemical, and biological properties of
71 wetland systems integrated through ecological and morphological relationships.

72 "Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

73 **§ 54.1-2200.2. Board for Professional Soil Scientists, Wetland Professionals, and Geologists;**
74 **membership; quorum.**

75 A. Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists, Wetland
76 Professionals, and Geologists shall be composed of 13 members as follows: three licensed professional soil
77 scientists, three certified professional wetland delineators, three *licensed professional* geologists, and three
78 citizen members. The State Geologist shall serve as an ex officio member of the Board. The *professional*
79 geologist members shall be of varied backgrounds. The professional soil scientist members shall have
80 experience in at least one of the following areas: (i) soil mapping and classification, (ii) soil suitability and
81 land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the
82 wetland professional members, one shall have experience in wetland delineation and description, one shall
83 have experience in teaching and research in wetland science, and one shall have experience with natural
84 resource regulations. Terms of the members shall be for four years.

85 B. The Board shall annually elect a chairman from its membership. Seven board members, consisting of at
86 least two *professional* soil scientists, two professional wetland delineators, two *professional* geologists, and
87 one citizen, shall constitute a quorum.

88 C. The Governor may select the professional soil scientist members from a list of at least three names for

89 each vacancy submitted by the Virginia Association of Professional Soil Scientists. The Governor may notify
90 the Virginia Association of Professional Soil Scientists of any professional vacancy other than by expiration
91 among the professional soil scientist members of the Board and nominations may be made for the filling of
92 the vacancy.

93 D. The Governor may select the wetland professionals from a list of at least three names for each vacancy
94 submitted by the Virginia Association of Wetland Professionals. The Governor may notify and request
95 nominations from the Virginia Association of Wetland Professionals of any professional vacancy other than
96 by expiration among the wetland professional members.

97 **§ 54.1-2208.1. Purpose; exemptions.**

98 A. ~~The certification program set forth in this article is voluntary and shall not be construed to prevent or~~
99 ~~affect the practice of geology by uncertified geologists; however, no person may represent himself as a~~
100 ~~Virginia certified professional geologist unless he has been so certified by the Board~~ *licensing of professional*
101 *geologists as set forth in this article shall serve any or all of the following purposes:*

- 102 *1. The maintenance of educational, experiential, and ethical standards in the practice of geology;*
103 *2. The maintenance of standards of objectivity, truthfulness, and reliability in the practice of geology;*
104 *3. The restriction of the professional geologist from association with any person engaging in illegal or*
105 *dishonest activities in the practice of geology; and*
106 *4. The limitation of the practice of geology and any offer of the practice of geology to those persons*
107 *licensed pursuant to this article.*

108 B. This article shall not *be construed to prevent or affect the:*

109 *1. The practice of any profession or trade for which licensing, certification, or registration is required*
110 *under any other Virginia law, including the practice of licensed professional engineers lawfully practicing*
111 *engineering in its various specialized branches;*

112 *2. The work of any archeologist, chemist, geographer, or oceanographer who is in responsible charge of*
113 *geological work or the drawing of geological conclusions and recommendations, provided such work does*
114 *not include the design and execution of geological investigations;*

115 *3. The practice of geology by any person under the direct supervision and control of a professional*
116 *geologist licensed pursuant to this article, provided such practice does not include being in responsible*
117 *charge of final geological reports or decisions; or*

118 4. *The practice of geology by any person certified as a professional geologist before July 1, 2025.*

119 § 54.1-2208.2. **Licensure; minimum qualifications; penalty.**

120 A. Any person practicing or offering to practice as a *professional* geologist or in a geological specialty in
121 this Commonwealth may submit reasonable evidence to the Board that he is qualified to practice and to be
122 ~~certified~~ *licensed* as provided in this article. The Board shall approve the application for ~~certification~~
123 *licensure* of any person who, in the opinion of the Board, has satisfactorily met the requirements of this
124 article and who has paid any applicable fees fixed by the Board.

125 ~~Certifications~~ *Licenses* shall expire at intervals as designated by the Board. A ~~certification~~ *license* may be
126 renewed by the Board upon receipt of a formal request accompanied by any applicable fees.

127 B. To be eligible for ~~certification~~ *licensure* as a professional geologist, an applicant shall meet each of the
128 following minimum qualifications:

129 1. Be of ethical character.

130 2. Have a baccalaureate or higher degree from an accredited institution of higher education with either a
131 major in geology, engineering geology, geological engineering, or related geological sciences; or have
132 completed at least 30 semester hours or the equivalent in geological science courses leading to a major in
133 geology.

134 3. Have at least seven years of geological work that shall include either a minimum of three years of
135 geological work under the supervision of a qualified or ~~certified~~ *licensed* professional geologist or a
136 minimum of three years of experience in responsible charge of geological work. The adequacy of the position
137 and the required supervision and experience shall be determined by the Board in accordance with standards
138 set forth in its regulations. The following criteria of education and experience qualify toward the required
139 seven years of geological work:

140 a. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of
141 experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of
142 experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case
143 exceed a total of four years toward meeting the requirements for at least seven years of geological work.

144 b. The Board may consider, in lieu of the above-described geological work, the cumulative total of
145 geological work or geological research of persons occupying research or post-graduate positions as well as
146 those teaching geology courses at an institution of higher education, provided such work or research can be

147 demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required in this
148 section.

149 4. Have successfully passed an appropriate examination approved by the Board and designed to
150 demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the
151 public practice of geology.

152 At the discretion of the Board, separate examinations may be prepared for various subspecialties of
153 geology; however, there will be no specialty ~~certification~~ licensure, only ~~certification~~ licensure as a
154 professional geologist.

155 *C. The Board shall issue a license to practice as a geologist in the Commonwealth to any individual who*
156 *holds an unexpired certification to practice as a geologist issued prior to July 1, 2025.*

157 *D. No person shall represent himself as a licensed professional geologist unless he has been so licensed*
158 *by the Board. Any person practicing or offering to practice geology within the meaning of this article who,*
159 *through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional*
160 *geologist without holding such license from the Board is guilty of a Class 1 misdemeanor.*

161 **§ 54.1-2208.3. Waiver of examination.**

162 The Board may waive the examination requirement for ~~certification~~ licensure as a professional geologist
163 for an applicant who otherwise meets the requirements of this article and who also meets any of the following
164 conditions:

165 1. Makes written application to the Board and has at least 12 years of geological work that includes the
166 geological work as specified in subsection B of § 54.1-2208.2.

167 2. Makes written application to the Board and holds an unexpired certificate of registration, certification,
168 or license to engage in the practice of geology issued to him on the basis of comparable requirements by a
169 proper authority of a state, territory, or possession of the United States or the District of Columbia.

170 **§ 54.1-2208.4. Professional ethics and conduct.**

171 A. The Board, in coordination with an ad hoc panel of ~~certified~~ licensed professional geologists convened
172 by the Board and representing various geological interests in Virginia, shall have prepared and adopted a
173 Code of Professional Ethics and Conduct that shall be published and made known in writing to every Virginia
174 ~~certified~~ licensed professional geologist and applicant for ~~certification~~ licensure under this article. The Board
175 may revise and amend this code as needed and shall forthwith notify each ~~certified~~ licensed professional

176 geologist in writing of such revisions or amendments.

177 B. The full Board, by majority vote, shall have the power to suspend, revoke, or refuse to renew the
178 ~~certification~~ *license* of any professional geologist who, after an appropriate formal hearing, is found to have
179 been involved in:

180 1. Any fraud or deceit in obtaining ~~certification~~ *licensure*;

181 2. Any violation of the Code of Professional Ethics and Conduct or other regulations of the Board;

182 3. Demonstrated gross negligence, incompetence, or misconduct in the practice of geology as a
183 professional geologist; or

184 4. Any conviction of a felony which, in the opinion of the Board, would adversely affect the practice of
185 geology.

186 C. The Board, by majority vote of the quorum, may reinstate a revoked or suspended ~~certification~~ *license*
187 to any professional geologist who makes written application to the Board showing good cause for such
188 action.

189 **2. That the Board for Professional Soil Scientists, Wetland Professionals, and Geologists shall**
190 **promulgate regulations to implement the provisions of this act to be effective within 280 days of its**
191 **enactment.**