

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Professional Geologist Licensing Act is
5 amended by changing Sections 15, 20, 35, and 50 and by adding
6 Section 17 as follows:

7 (225 ILCS 745/15)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 15. Definitions. In this Act:

10 "Board" means the Board of Licensing for Professional
11 Geologists.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 ~~"Director" means the Director of Professional Regulation.~~

15 "Geologist" means an individual who, by reason of his or
16 her knowledge of geology, mathematics, and the physical and
17 life sciences, acquired by education and practical experience
18 as defined by this Act, is capable of practicing the science of
19 geology.

20 "Geology" means the science that includes the treatment of
21 the earth and its origin and history including, but not limited
22 to, (i) the investigation of the earth's crust and interior and
23 the solids and fluids, including all surface and underground

1 waters, gases, and other materials that compose the earth as
2 they may relate to geologic processes; (ii) the study of the
3 natural agents, forces, and processes that cause changes in the
4 earth; and (iii) the utilization of this knowledge of the earth
5 and its solids, fluids, and gases, and their collective
6 properties and processes, for the benefit of humankind.

7 "Person" or "individual" means a natural person.

8 "Practice of professional geology" means the performance
9 of, or the offer to perform, the services of a geologist,
10 including consultation, investigation, evaluation, planning,
11 mapping, inspection of geologic work, and other services that
12 require extensive knowledge of geologic laws, formulas,
13 principles, practice, and methods of data interpretation.

14 A person shall be construed to practice or offer to
15 practice professional geology, within the meaning and intent of
16 this Act, if that person (i) by verbal claim, sign,
17 advertisement, letterhead, card, or any other means,
18 represents himself or herself to be a professional geologist or
19 through the use of some title implies that he or she is a
20 professional geologist or is licensed under this Act or (ii)
21 holds himself or herself out as able to perform or does perform
22 services or work defined in this Act as the practice of
23 professional geology.

24 Examples of the practice of professional geology include,
25 but are not limited to, the conduct of, or responsible charge
26 for, the following types of activities: (i) mapping, sampling,

1 and analysis of earth materials, interpretation of data, and
2 the preparation of oral or written testimony regarding the
3 probable geological causes of events; (ii) planning, review,
4 and supervision of data gathering activities, interpretation
5 of geological data gathered by direct and indirect means,
6 preparation of geological maps, cross-sections, interpretive
7 maps and reports for the purpose of evaluating regional or site
8 specific geological conditions; (iii) the planning, review,
9 and supervision of data gathering activities and
10 interpretation of data on regional or site specific geological
11 characteristics affecting groundwater; (iv) the interpretation
12 of geological conditions on the surface and at depth at a
13 specific site on the Earth's surface for the purpose of
14 determining whether those conditions correspond to a geologic
15 map of the site; and (v) the conducting of environmental
16 property audits.

17 "Licensed professional geologist" means an individual who
18 is licensed under this Act to engage in the practice of
19 professional geology in Illinois.

20 "Responsible charge" means the independent control and
21 direction, by use of initiative, skill, and independent
22 judgment, of geological work or the supervision of that work.

23 "Secretary" means the Secretary of Financial and
24 Professional Regulation.

25 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/17 new)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 17. References to Department or Director of
4 Professional Regulation. References in this Act (i) to the
5 Department of Professional Regulation are deemed, in
6 appropriate contexts, to be references to the Department of
7 Financial and Professional Regulation and (ii) to the Director
8 of Professional Regulation are deemed, in appropriate
9 contexts, to be references to the Secretary of Financial and
10 Professional Regulation.

11 (225 ILCS 745/20)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 20. Exemptions. Nothing in this Act shall be construed
14 to restrict the use of the title "geologist" or similar words
15 by any person engaged in a practice of geology exempted under
16 this Act, provided the person does not hold himself or herself
17 out as being a licensed professional geologist or does not
18 practice professional geology in a manner requiring licensure
19 under this Act. Performance of the following activities does
20 not require licensure as a licensed professional geologist
21 under this Act:

22 (a) The practice of professional geology by an employee or
23 a subordinate of a licensee under this Act, provided the work
24 does not include responsible charge of geological work and is
25 performed under the direct supervision of a licensed

1 professional geologist who is responsible for the work.

2 (b) The practice of professional geology by officers and
3 employees of the United States government within the scope of
4 their employment.

5 (c) The practice of professional geology as geologic
6 research to advance basic knowledge for the purpose of offering
7 scientific papers, publications, or other presentations (i)
8 before meetings of scientific societies, (ii) internal to a
9 partnership, corporation, proprietorship, or government
10 agency, or (iii) for publication in scientific journals, or in
11 books.

12 (d) The teaching of geology in schools, colleges, or
13 universities, as defined by rule.

14 (e) The practice of professional geology exclusively in the
15 exploration for or development of energy resources or base,
16 precious and nonprecious minerals, including sand, gravel, and
17 aggregate, that does not require, by law, rule, or ordinance,
18 the submission of reports, documents, or oral or written
19 testimony to public agencies. Public agencies may, by law or by
20 rule, allow required oral or written testimony, reports, permit
21 applications, or other documents based on the science of
22 geology to be submitted to them by persons not licensed under
23 this Act. Unless otherwise required by State or federal law,
24 public agencies may not require that the geology-based aspects
25 of testimony, reports, permits, or other documents so exempted
26 be reviewed by, approved, or otherwise certified by any person

1 who is not a licensed professional geologist. Licensure is not
2 required for the submission and review of reports or documents
3 or the provision of oral or written testimony made under the
4 Well Abandonment Act, the Illinois Oil and Gas Act, the Surface
5 Coal Mining Land Conservation and Reclamation Act, or the
6 Surface-Mined Land Conservation and Reclamation Act.

7 (f) The practice of professional engineering as defined in
8 the Professional Engineering Practice Act of 1989.

9 (g) The practice of structural engineering as defined in
10 the Structural Engineering Practice Act of 1989.

11 (h) The practice of architecture as defined in the Illinois
12 Architecture Practice Act of 1989.

13 (i) The practice of land surveying as defined in the
14 Illinois Professional Land Surveyor Act of 1989.

15 (j) The practice of landscape architecture as defined in
16 the Illinois Landscape Architecture Act of 1989.

17 (k) The practice of professional geology for a period not
18 to exceed 9 months by any person pursuing a course of study
19 leading to a degree in geology from an accredited college or
20 university, as set forth in this Act and as established by
21 rule, provided that (i) such practice constitutes a part of a
22 supervised course of study, (ii) the person is under the
23 supervision of a geologist licensed under this Act, and (iii)
24 the person is designated by a title that clearly indicates his
25 or her status as a student or trainee.

26 (Source: P.A. 91-91, eff. 1-1-00.)

1 (225 ILCS 745/35)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 35. Board of Licensing for Professional Geologists;
4 members; qualifications; duties.

5 (a) The Director shall appoint a Board of Licensing for
6 Professional Geologists which shall serve in an advisory
7 capacity to the Director. The Board shall be composed of 8
8 persons, 7 of whom shall be voting members appointed by the
9 Director, who shall give due consideration to recommendations
10 by members of the profession of geology and of geology
11 organizations within the State. In addition, the State
12 Geologist or his or her designated representative, shall be an
13 advisory, non-voting member of the Board.

14 (b) Insofar as possible, the geologists appointed to serve
15 on the Board shall be generally representative of the
16 occupational and geographical distribution of geologists
17 within this State.

18 (c) Of the 7 appointed voting members of the Board, 6 shall
19 be geologists and one shall be a member of the general public
20 with no family or business connection with the practice of
21 geology.

22 (d) Each of the first appointed geologist members of the
23 Board shall have at least 10 years of active geological
24 experience and shall possess the education and experience
25 required for licensure. Each subsequently appointed geologist

1 member of the Board shall be a professional geologist licensed
2 under this Act.

3 (e) Of the initial appointments, the Director shall appoint
4 3 voting members for a term of 4 years, 2 voting members for a
5 term of 3 years, and 2 voting members for a term of 2 years.
6 Thereafter, voting members shall be appointed for 4-year terms.
7 Terms shall commence on the 3rd Monday in January.

8 (f) Members shall hold office until the expiration of their
9 terms or until their successors have been appointed and have
10 qualified.

11 (g) No voting member of the Board shall serve more than 2
12 consecutive full terms.

13 (h) Vacancies in the membership of the Board shall be
14 filled by appointment for the unexpired term.

15 (i) The Director may remove or suspend any member of the
16 Board for cause at any time before the expiration of his or her
17 term.

18 (j) The Board shall annually elect one of its members as
19 chairperson.

20 (k) The members of the Board shall be reimbursed for all
21 legitimate and necessary expenses authorized by the Department
22 incurred in attending the meetings of the Board.

23 (l) The Board may make recommendations to the Director to
24 establish the examinations and their method of grading.

25 (m) The Board may submit written recommendations to the
26 Director concerning formulation of rules and a Code of

1 Professional Conduct and Ethics. The Board may recommend or
2 endorse revisions and amendments to the Code and to the rules
3 from time to time.

4 (n) The Board may make recommendations on matters relating
5 to continuing education of licensed professional geologists,
6 including the number of hours necessary for license renewal,
7 waivers for those unable to meet that requirement, and
8 acceptable course content. These recommendations shall not
9 impose an undue burden on the Department or an unreasonable
10 restriction on those seeking a license renewal.

11 (o) Four voting Board members constitutes a quorum. A
12 quorum is required for all Board decisions.

13 (Source: P.A. 89-366, eff. 7-1-96.)

14 (225 ILCS 745/50)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 50. Qualifications for licensure.

17 (a) The Department may issue a license to practice as a
18 licensed professional geologist to any applicant who meets the
19 following qualifications:

20 (1) The applicant has completed an application form and
21 paid ~~submitted~~ the required fees.

22 (2) The applicant is of good ethical character,
23 including compliance with the Code of Professional Conduct
24 and Ethics under this Act, and has not committed any act or
25 offense in any jurisdiction that would constitute the basis

1 for disciplining a professional geologist licensed under
2 this Act.

3 (3) The applicant has earned a degree in geology from
4 an accredited college or university, as established by
5 rule, with a minimum of 30 semester or 45 quarter hours of
6 course credits in geology, of which 24 semester or 36
7 quarter hours are in upper level courses. The Department
8 may, upon the recommendation of the Board, allow the
9 substitution of appropriate experience as a geologist for
10 prescribed educational requirements as established by
11 rule.

12 (4) The applicant has a documented record of a minimum
13 of 4 years of professional experience, obtained after
14 completion of the education requirements specified in this
15 Section, in geologic or directly related work,
16 demonstrating that the applicant is qualified to assume
17 responsible charge of such work upon licensure as a
18 professional geologist or such specialty of professional
19 geology that the Board may recommend and the Department may
20 recognize. The Department may require evidence acceptable
21 to it that up to 2 years of professional experience have
22 been gained under the supervision of a person licensed
23 under this Act or similar Acts in any other state, or under
24 the supervision of others who, in the opinion of the
25 Department, are qualified to have responsible charge of
26 geological work under this Act.

1 (5) The applicant has passed an examination authorized
2 by the Department for the practice of professional geology.

3 (6) The applicant has complied with all other
4 requirements of this Act and rules established for the
5 implementation of this Act.

6 (b) A license to practice professional geology shall not be
7 denied any applicant because of the applicant's race, religion,
8 creed, national origin, political beliefs or activities, age,
9 sex, sexual orientation, or physical impairment.

10 (Source: P.A. 89-366, eff. 7-1-96.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.