



Sen. Kirk W. Dillard

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09600HB0880sam002

LRB096 10402 ASK 26915 a

1 AMENDMENT TO HOUSE BILL 880

2 AMENDMENT NO. _____. Amend House Bill 880, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

8 (225 ILCS 745/15)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 15. Definitions. In this Act:

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

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

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

16 "Geologist" means an individual who, by reason of his or

1 her knowledge of geology, mathematics, and the physical and
2 life sciences, acquired by education and practical experience
3 as defined by this Act, is capable of practicing the science of
4 geology.

5 "Geology" means the science that includes the treatment of
6 the earth and its origin and history including, but not limited
7 to, (i) the investigation of the earth's crust and interior and
8 the solids and fluids, including all surface and underground
9 waters, gases, and other materials that compose the earth as
10 they may relate to geologic processes; (ii) the study of the
11 natural agents, forces, and processes that cause changes in the
12 earth; and (iii) the utilization of this knowledge of the earth
13 and its solids, fluids, and gases, and their collective
14 properties and processes, for the benefit of humankind.

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

16 "Practice of professional geology" means the performance
17 of, or the offer to perform, the services of a geologist,
18 including consultation, investigation, evaluation, planning,
19 mapping, inspection of geologic work, and other services that
20 require extensive knowledge of geologic laws, formulas,
21 principles, practice, and methods of data interpretation.

22 A person shall be construed to practice or offer to
23 practice professional geology, within the meaning and intent of
24 this Act, if that person (i) by verbal claim, sign,
25 advertisement, letterhead, card, or any other means,
26 represents himself or herself to be a professional geologist or

1 through the use of some title implies that he or she is a
2 professional geologist or is licensed under this Act or (ii)
3 holds himself or herself out as able to perform or does perform
4 services or work defined in this Act as the practice of
5 professional geology.

6 Examples of the practice of professional geology include,
7 but are not limited to, the conduct of, or responsible charge
8 for, the following types of activities: (i) mapping, sampling,
9 and analysis of earth materials, interpretation of data, and
10 the preparation of oral or written testimony regarding the
11 probable geological causes of events; (ii) planning, review,
12 and supervision of data gathering activities, interpretation
13 of geological data gathered by direct and indirect means,
14 preparation of geological maps, cross-sections, interpretive
15 maps and reports for the purpose of evaluating regional or site
16 specific geological conditions; (iii) the planning, review,
17 and supervision of data gathering activities and
18 interpretation of data on regional or site specific geological
19 characteristics affecting groundwater; (iv) the interpretation
20 of geological conditions on the surface and at depth at a
21 specific site on the Earth's surface for the purpose of
22 determining whether those conditions correspond to a geologic
23 map of the site; and (v) the conducting of environmental
24 property audits.

25 "Licensed professional geologist" means an individual who
26 is licensed under this Act to engage in the practice of

1 professional geology in Illinois.

2 "Responsible charge" means the independent control and
3 direction, by use of initiative, skill, and independent
4 judgment, of geological work or the supervision of that work.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation.

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

8 (225 ILCS 745/17 new)

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

10 Sec. 17. References to Department or Director of
11 Professional Regulation. References in this Act (i) to the
12 Department of Professional Regulation are deemed, in
13 appropriate contexts, to be references to the Department of
14 Financial and Professional Regulation and (ii) to the Director
15 of Professional Regulation are deemed, in appropriate
16 contexts, to be references to the Secretary of Financial and
17 Professional Regulation.

18 (225 ILCS 745/20)

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

20 Sec. 20. Exemptions. Nothing in this Act shall be construed
21 to restrict the use of the title "geologist" or similar words
22 by any person engaged in a practice of geology exempted under
23 this Act, provided the person does not hold himself or herself
24 out as being a licensed professional geologist or does not

1 practice professional geology in a manner requiring licensure
2 under this Act. Performance of the following activities does
3 not require licensure as a licensed professional geologist
4 under this Act:

5 (a) The practice of professional geology by an employee or
6 a subordinate of a licensee under this Act, provided the work
7 does not include responsible charge of geological work and is
8 performed under the direct supervision of a licensed
9 professional geologist who is responsible for the work.

10 (b) The practice of professional geology by officers and
11 employees of the United States government within the scope of
12 their employment.

13 (c) The practice of professional geology as geologic
14 research to advance basic knowledge for the purpose of offering
15 scientific papers, publications, or other presentations (i)
16 before meetings of scientific societies, (ii) internal to a
17 partnership, corporation, proprietorship, or government
18 agency, or (iii) for publication in scientific journals, or in
19 books.

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

22 (e) The practice of professional geology exclusively in the
23 exploration for or development of energy resources or base,
24 precious and nonprecious minerals, including sand, gravel, and
25 aggregate, that does not require, by law, rule, or ordinance,
26 the submission of reports, documents, or oral or written

1 testimony to public agencies. Public agencies may, by law or by
2 rule, allow required oral or written testimony, reports, permit
3 applications, or other documents based on the science of
4 geology to be submitted to them by persons not licensed under
5 this Act. Unless otherwise required by State or federal law,
6 public agencies may not require that the geology-based aspects
7 of testimony, reports, permits, or other documents so exempted
8 be reviewed by, approved, or otherwise certified by any person
9 who is not a licensed professional geologist. Licensure is not
10 required for the submission and review of reports or documents
11 or the provision of oral or written testimony made under the
12 Well Abandonment Act, the Illinois Oil and Gas Act, the Surface
13 Coal Mining Land Conservation and Reclamation Act, or the
14 Surface-Mined Land Conservation and Reclamation Act.

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

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

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

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

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

25 (k) The practice of professional geology for a period not
26 to exceed 9 months by any person pursuing a course of study

1 leading to a degree in geology from an accredited college or
2 university, as set forth in this Act and as established by
3 rule, provided that (i) such practice constitutes a part of a
4 supervised course of study, (ii) the person is under the
5 supervision of a geologist licensed under this Act, and (iii)
6 the person is designated by a title that clearly indicates his
7 or her status as a student or trainee.

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

9 (225 ILCS 745/35)

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

11 Sec. 35. Board of Licensing for Professional Geologists;
12 members; qualifications; duties.

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

22 (b) Insofar as possible, the geologists appointed to serve
23 on the Board shall be generally representative of the
24 occupational and geographical distribution of geologists
25 within this State.

1 (c) Of the 7 appointed voting members of the Board, 6 shall
2 be geologists and one shall be a member of the general public
3 with no family or business connection with the practice of
4 geology.

5 (d) Each of the first appointed geologist members of the
6 Board shall have at least 10 years of active geological
7 experience and shall possess the education and experience
8 required for licensure. Each subsequently appointed geologist
9 member of the Board shall be a professional geologist licensed
10 under this Act.

11 (e) Of the initial appointments, the Director shall appoint
12 3 voting members for a term of 4 years, 2 voting members for a
13 term of 3 years, and 2 voting members for a term of 2 years.
14 Thereafter, voting members shall be appointed for 4-year terms.
15 Terms shall commence on the 3rd Monday in January.

16 (f) Members shall hold office until the expiration of their
17 terms or until their successors have been appointed and have
18 qualified.

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

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

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

26 (j) The Board shall annually elect one of its members as

1 chairperson.

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

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

7 (m) The Board may submit written recommendations to the
8 Director concerning formulation of rules and a Code of
9 Professional Conduct and Ethics. The Board may recommend or
10 endorse revisions and amendments to the Code and to the rules
11 from time to time.

12 (n) The Board may make recommendations on matters relating
13 to continuing education of licensed professional geologists,
14 including the number of hours necessary for license renewal,
15 waivers for those unable to meet that requirement, and
16 acceptable course content. These recommendations shall not
17 impose an undue burden on the Department or an unreasonable
18 restriction on those seeking a license renewal.

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

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

22 (225 ILCS 745/50)

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

24 Sec. 50. Qualifications for licensure.

25 (a) The Department may issue a license to practice as a

1 licensed professional geologist to any applicant who meets the
2 following qualifications:

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

5 (2) The applicant is of good ethical character,
6 including compliance with the Code of Professional Conduct
7 and Ethics under this Act, and has not committed any act or
8 offense in any jurisdiction that would constitute the basis
9 for disciplining a professional geologist licensed under
10 this Act.

11 (3) The applicant has earned a degree in geology from
12 an accredited college or university, as established by
13 rule, with a minimum of 30 semester or 45 quarter hours of
14 course credits in geology, of which 24 semester or 36
15 quarter hours are in upper level courses. The Department
16 may, upon the recommendation of the Board, allow the
17 substitution of appropriate experience as a geologist for
18 prescribed educational requirements as established by
19 rule.

20 (4) The applicant has a documented record of a minimum
21 of 4 years of professional experience, obtained after
22 completion of the education requirements specified in this
23 Section, in geologic or directly related work,
24 demonstrating that the applicant is qualified to assume
25 responsible charge of such work upon licensure as a
26 professional geologist or such specialty of professional

1 geology that the Board may recommend and the Department may
2 recognize. The Department may require evidence acceptable
3 to it that up to 2 years of professional experience have
4 been gained under the supervision of a person licensed
5 under this Act or similar Acts in any other state, or under
6 the supervision of others who, in the opinion of the
7 Department, are qualified to have responsible charge of
8 geological work under this Act.

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

11 (6) The applicant has complied with all other
12 requirements of this Act and rules established for the
13 implementation of this Act.

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."