

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1972

By: Perry

AS INTRODUCED

An Act relating to professions and occupations; enacting the Oklahoma Professional Geologists Practices Act; providing definitions; providing exemptions from the Oklahoma Professional Geologists Practices Act; providing limitation of applicability; providing use of certain designation; prohibiting certain conduct; creating certain board; providing powers and duties of the board; specifying membership of the board; providing for appointment process; providing term requirements; providing qualifications; providing for reimbursement; providing method for filling vacancies; providing meeting requirements; specifying requirements for registration; specifying requirements for geologist-in-training; providing for fees; providing for examination; authorizing issuance of license and seal; providing requirements for certain entities practicing in the area of geology; providing for reciprocity; authorizing certain disciplinary actions; specifying certain conduct as violations; providing penalty; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3201 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Professional Geologists Practices Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3202 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" means the Oklahoma Board of Professional Geologists;

2. "Geologist" means a person who is a graduate of an institution of higher education that is accredited by a regional or national accrediting agency, with a minimum of thirty (30) semester or forty-five (45) quarter hours of course work in geology;

3. "Geologist-in-training" means a geologist who is a candidate for licensure who meets all other requirements for licensure as stated in this act except length of experience;

4. "Geology" means the science which treats of the earth in general, the earth's processes and its history, investigation of the earth's crust and the rocks and other materials which compose it, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases and other materials for the use of mankind;

5. "Practice of geology" shall mean and include within the intent of this act any professional service, work, or activity including the responsible supervision and its performance thereof, requiring formal geological education, training, experience, and the understanding and application of special knowledge of the mathematical, physical, chemical, biological, earth, and geological sciences as may be related to those services including, but not limited to, consultation, investigation, evaluation, planning, geological mapping, interpretation, remediation, expert technical testimony, planning the use of land and water, protection of ground and surface waters and the evaluation of ground water resources; prevention and remediation of contamination of the earth, earth materials and water from improper disposal or accidental spills; determination of the suitability and risks in containment and disposal of wastes and hazardous materials, including but not limited to, landfills, storage tanks, and injection wells; the evaluation of mining and petroleum properties; the professional supervision of exploration for mineral natural resources including metallic and nonmetallic ores, petroleum, ground water and other

natural resources; the geological phases of any engineering investigations and surveys; siting of boreholes, depth of wells to be drilled, depth of casing and grouting requirements for the construction of monitoring wells or other borings into the earth that may affect one or more aquifers; the suitability for construction projects including excavations, buildings, dams, highways, and other structures which may be affected by floods, landslides, earthquakes, sinkholes, erosion, expansive/contractive earth and earth materials, or other geoscientific phenomena; geologic or geoscientific surveying and mapping including making measurements and gathering data related to the physical features of the earth including subsurface data including the depiction of such information into geologic or geoscientific graphics, data, maps, plans, reports, descriptions, or projects and including preparing, creating, and/or modifying computerized, electronic, geographic information systems, global positioning systems, or other information and data related to the activities contained within this section; geotechnical activities (including the practice of various aspects of related professions incidental to the practice of geology); inspection of, or the responsible supervision of the foregoing and including any other geological, geoscientific or related work any of which includes or embraces any services, activities, or work, public or private, which may be adversely or otherwise affected or influenced by geological or geoscience processes including but not limited to utilities, projects, communication systems, transportation systems, or any other anthropogenic features and insofar as they involve protecting and safeguarding the public's health, safety, property, and welfare, and including such other professional services as may be necessary in the planning, progress and completion of any such geological or geoscience services.

Furthermore these geologic or geoscience services also include those not specifically defined herein which include but are not limited to the commonly recognized geological or geoscience practices of construction geology, environmental geology or geoscience, and urban geology or geoscience; and to further stimulate the orderly development, and encourage the effective management and utilization of Oklahoma's mineral, fossil fuel, and water resources, while protecting the environment.

Any individual practicing, offering or attempting to practice geology or performing any activities that may be construed to be incidental to another's licensed or registered professional practice, or claiming any specialty in geology, as a professional, business or commercial identification, title, name, representation or claim, or otherwise holding themselves out to the public in any manner whatsoever, as being qualified to practice geology or any of its specialties shall be licensed under this act. Further any person who offers or is practicing geology, within the scope, meaning, and intent of this act, who practices within any sector of the profession of geology or by sign, card, letterhead, advertisement or verbal claim, or in any way represents or holds themselves to be a professional geologist; or through the use of a title implies that they are a professional geologist or that they are licensed under this act shall be construed to be practicing or offering to practice geology; or provides and/or performs any geological services, activities, or work or any other services designated by the professional practitioner which is recognized as geology. During the course of providing geologic guidance/work or geologic work activities the practitioner may also coordinate and review the submissions prepared by others, without limitation, provided that they lie within or are incidental to the practice of geology.

Furthermore, the practice of geology shall include:

- a. the preparation of geologic reports, documents, or exhibits by any commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city, or other public body, or by the employees or staff members of the commission, board, department, district, or division of the State of Oklahoma or any political subdivision thereof or of any county, city, or other public body when the reports, documents, or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby,
- b. the performance of geological services by any individual, firm, partnership, corporation, or other association or by the employees or staff members thereof, whether or not the principal business of the organization is the practice of geology, by which the geological reports, documents, or exhibits constituting the practice of geology are disseminated or made available to the public or any individual or organization in such a manner that the public or individual or combination of individuals may reasonably be expected to rely thereon or be affected thereby, and
- c. any geologic report or geologic portion of a report required by or supporting compliance with municipal, county, State of Oklahoma, or federal laws, ordinances or regulations, which incorporates or is based on a geologic study or on geologic data, shall be prepared by or under the supervision of a licensed geologist as evidenced by the geologist's signature and seal as

provided in Section 15 of the Oklahoma Professional Geologists Practice Act.

However, geological reports, documents, or exhibits that are prepared by the employees or staff members of any individual, firm, partnership, corporation, or other association or commission, board, department, district, or division of the state or any political subdivision thereof or any county, city, or other public body that are for use solely within such organizations are considered in-house reports, documents, or exhibits and are not the practice of geology for others unless or until the reports are disseminated or made available as set forth in subparagraph a or b of this paragraph.

6. "Practice of geology before the public" means the performance of geological services or work including consultation, investigation, evaluation, planning, preparation of geologic reports and maps, the inspection of geological work and the responsible supervision of geological services or work, the performance of which is relevant to public welfare or the safeguard of life, health, property and the environment, unless exempt under this act. Practice of geology before the public does not include cutting descriptions for water wells, descriptive logs for drill holes for mineral exploration, lithologic descriptions and stratigraphic picks for oil and gas well logs, geologic information contained within notices and other routine forms required by state and federal agencies, geologic reports and other documents not available for dissemination outside of the entity preparing the reports or documents;

7. "Professional geologist" means a geologist who has met the academic and experience qualifications established by the Board and has been licensed by the Board;

8. "Qualified geologist" means an individual who is not licensed under this act but who possesses all the qualifications for licensure specified in this act;

9. "Responsible charge" means the independent control and direction by use of initiative, skill and independent judgment of geological work or the supervision of the work;

10. "Subdiscipline of geology" means the recognized practice of geology, including but not limited to environmental geology, petroleum geology, engineering geology, economic geology, geophysics, geochemistry and hydrogeology; and

11. "Subordinate" means any individual who practices geology or assists a professional geologist in the practice of geology without assuming the responsible charge for the work.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3203 of Title 59, unless there is created a duplication in numbering, reads as follows:

The following are exempt from the licensing provisions of this act if they do not use the title of professional geologist or are not directly represented or held out to the public to be legally qualified to engage in the practice of geology before the public:

1. Any individual not a resident of and having no established place of business in this state is exempt from the licensing provisions of this act if the individual:

- a. is legally qualified to practice geology in another jurisdiction whose requirements for practice have been deemed by the Board to be comparable to those required by this state,
- b. has notified the Board, in writing, of his intent to practice geology for a period not to exceed six (6) months in this state, and
- c. has provided proof of current registration or licensure in another state recognized by the Board and affixes the individual's seal from the jurisdiction state;

2. An individual who has recently become a resident of this state shall be exempt, at the Board's discretion, from the licensing provisions of this act if that individual:

- a. has filed an application for licensure as a geologist with the Board and the application is pending Board action,
- b. is legally qualified to practice geology in another jurisdiction whose requirements for practice are similar to those required by this state, and
- c. affixes the individual's seal from the jurisdiction in which the individual is legally qualified to practice on all work completed while the application for a license to practice in this state is pending;

3. An employee or subordinate of an individual holding a license under this act, or any employee of an individual exempted from licensure by paragraphs 1 and 2 of this section is exempt from licensure under this act provided that the employee's practice does not include responsible charge;

4. Qualified engineers and land surveyors, registered by the State Board of Registration for Professional Engineers and Land Surveyors are exempt from the registration provisions of this act, providing, that no name, title, or words are used which tend to convey the impression that a nonregistered individual is offering to perform services as a professional geologist;

5. Any individual, individual practitioner or regular full-time employee of a firm, partnership, association, corporation or other business entity engaged in the exploration for and development of coal, uranium, oil, natural gas, geothermal and other energy minerals, precious and nonprecious metals and minerals, industrial and other minerals, including sand, gravel and aggregate. This section shall not be construed so as to prohibit the testimony of any individual before the Oklahoma Corporation Commission;

6. Individuals engaged in teaching or research in the physical or natural sciences;

7. Individuals providing prospect generation to other persons engaged in the exploration or development of fossil fuels or other mineral resources; and

8. Individuals practicing any profession or trade for which a license is required by law, if the name, title or words are not used to convey the impression an individual is offering to perform services as a professional geologist.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3204 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall not be construed as repealing or amending any law affecting or regulating licensed professional engineers and professional land surveyors pursuant to Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes nor shall this act be construed to affect or prevent the practice of any other legally recognized profession by the members of the profession licensed by the state or under its authority.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3205 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Only individuals licensed by the board to engage in the practice of geology shall use the designation of "Professional Geologist" or "P.G.".

B. Only professional geologists registered in a subdiscipline of geology shall use the term professional in conjunction with the title of their subdiscipline.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3206 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Unless duly licensed in accordance with the provisions of this act, no person in this state shall:

1. Employ, use, cause to be used as a professional, business or commercial identification title, name, representation, claim or means of advantage or benefit, the title "professional geologist" or any variation or abbreviation thereof;

2. Employ, use, cause to be used to make use of any letter, card, abbreviation, word, symbol, slogan, sign, electronic media or any combination or variation thereof, which in any manner tends or is likely to create any impression with the public or any member thereof, that any individual is a professional geologist or that any individual is qualified or authorized to practice geology before the public unless the individual is duly licensed under this act and is practicing in accordance with the provisions of this act; or

3. Practice, continue to practice, offer or attempt to practice geology or any subdiscipline or part thereof before the public as defined by this act.

B. For purposes of this act, any person who performs or offers or attempts to perform any of the acts specified under subsection A of this section is presumed to be engaged in the practice of geology before the public.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3207 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Board of Professional Geologists is hereby created and shall administer this act. The Board shall have the power to adopt and amend all bylaws and rules of procedure, not inconsistent with the Constitution and laws of the state or this title, including the adoption, and promulgation of Rules of Professional Conduct for Professional Geologists which may be reasonably necessary to the proper performance of its duties. The Board shall have the further power and authority to:

1. Establish and amend minimum standards for the practice of geology;

2. Administer continuing education programs for individuals regulated by the board under this act;

3. Promulgate rules concerning the ethical marketing of professional geology services;

4. Upon good cause shown, as provided, deny the issuance of a license or suspend, revoke or refuse to renew a license previously issued, and upon proper showing to review, affirm, reverse, vacate or modify its orders with respect to such denial, suspension, revocation or refusal to renew;

5. Levy administrative penalties against any person or entity who or which violates any of the provisions of this act or regulation promulgated pursuant thereto. The Board is hereby authorized to initiate disciplinary, prosecutorial and injunctive proceedings against any person or entity who has violated any of the provisions of the act or any rule or regulation of the Board promulgated pursuant thereto. The Board shall investigate alleged violations of the provisions of this act or the rules or regulations, orders or final decisions of the Board.

B. In implementing the provisions of this act, the Board, under written direction of the Chairman or Vice-chairman may subpoena witnesses and compel their attendance, and may also require the submission of books, papers, documents or other pertinent data in any disciplinary matters, or in any case wherever a violation of this act is alleged. Upon failure or refusal to comply with any such order of the Board, or upon failure to honor its subpoena, as herein provided, the Board may apply to a court of proper jurisdiction for an order to enforce compliance with same.

C. The Board is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of

this act, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the Board shall not be personally liable under this proceeding.

D. No action or legal proceeding for damages shall be instituted against present and former member of the Board, its agents, employees, and members of committees duly appointed by the Board under this act to assist the Board in carrying out its duties and responsibilities, or for any neglect, default or act or omission occurring while acting in an official capacity.

E. The Board may employ or contract with individuals it determines necessary to administer its affairs and shall furnish necessary support and clerical services. Costs related to these services shall be paid from the funds of the Board.

F. The Board shall have the authority to enter into agreements with boards of registration in other states, and with other appropriate organizations and agencies, for the purposes of developing uniform standards for registration of geologists; accrediting educational programs; establishing reciprocity, comity, or mutual recognition of registration; developing examinations; evaluating applicants; or other purposes consistent with this chapter.

G. The Board shall certify applicants that have met all requirements for a geologist-in-training, shall license qualified geologists that have met all requirements for licensure as a professional geologist and may recognize and establish subdisciplines of geologic practice, establish qualifications and examinations and issue licenses in each subdiscipline to applicants that have met all requirements established by the Board.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3208 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall have eight (8) members. In order to enhance the capability of the Board to address broad interests regarding the practice of geology, the Board shall be composed of individuals representative of the various geologic subdisciplines practicing in the state. Two members shall be appointed by the President Pro Tempore of the Senate, two members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the Governor. The State Geologist shall be the eighth and a permanent nonvoting member of the Board. Insofar as possible, the Board shall be selected from nominations by active state geological organizations and the following state agencies that commonly utilize geologic reports, including:

1. Corporation Commission;
2. Department of Mines;
3. Oklahoma Water Resources Board; and
4. Department of Environmental Quality.

B. Except for the state geologist, members of the Board shall hold office for staggered terms of four (4) years. Each appointed member shall be limited to serving on the Board for eight (8) consecutive years. A member may be reappointed after a four-year absence. Each member shall hold office until a successor is appointed and has been qualified.

C. All appointed members of the Board shall be professional geologists. Minimum qualifications for these Board members shall be:

1. Residency of the state;
2. Seven (7) years practicing professional experience;
3. Five (5) years as a professional geologist but this qualification shall be waived for the first six (6) years the Board is in existence; and

4. Two (2) years in a professional decision-making capacity.

D. Each member of the Board not otherwise in full-time employment with the state shall receive the same per diem and travel expenses as other state employees while engaged in official business or actual duties of the Board. The fees and expenses shall be paid from the funds of the Board.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3209 of Title 59, unless there is created a duplication in numbering, reads as follows:

Vacancies in the membership of the Board shall be filled for the unexpired term by original appointing authority. A Board member may be removed if the member:

1. Is no longer qualified for appointment to the Board;
2. Engages in misconduct, determined to be incompetent, neglects official duties, or engages in malfeasance;
3. Commits a violation of this act resulting in disciplinary action or a felony; or
4. Fails without excuse to attend at least half of the regularly scheduled meetings held in a calendar year while a member of the Board.

The validity of an action of the Board is not affected by the fact that it is taken when a ground for removal of a Board member exists.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3210 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the Board provide. The Board shall elect or appoint annually the following officers: a Chairman, a Vice-chairman and a Secretary. A quorum of the Board shall consist of not less than four voting members.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3211 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified to be a professional geologist:

1. A bachelor's degree in geology granted through an accredited institution of higher education approved by the Board or graduation from an accredited institution of higher education in a four-year academic degree program other than geology, but with the required number of course hours to qualify as a geologist;

2. Successful completion of the Board's examination;

3. A specific record of five (5) years of active practice of geology of a character satisfactory to the Board, indicating the applicant is competent to be placed in responsible charge of the work; and

4. Submission of written endorsements from peers attesting to the applicant's professional competency, the number and form of which shall be determined by rule and regulation of the Board.

B. Notwithstanding subsection A of this section, and effective until July 1, 2006, the Board may waive the requirements of paragraph 3 of subsection A of this section for licensure as a professional geologist.

C. Any individual having the necessary qualifications prescribed in this act is entitled to licensure even though the individual is not practicing geology at the time of making the application.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3212 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The following shall be considered as minimum evidence that the applicant is qualified for certification as a geologist in training:

1. A bachelor's degree in geology granted through an accredited institution of higher education approved by the Board or graduation from an accredited institution of higher education in a four-year academic degree program other than geology, but with the required number of course hours to qualify as a geologist; and

2. A passing score on the Board's examination in the fundamentals of geology.

B. Notwithstanding subsection A of this section, and effective until July 1, 2006, the Board may waive the requirements of paragraph 1 of subsection A of this section for certification as a geologist in training.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3213 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Applications for licensure as a professional geologist or certification as a geologist-in-training shall be on forms prescribed by the Board.

B. The Board shall not maintain unnecessary fund balances. The Board shall establish reasonable and necessary fees for the administration of this act for the following:

1. Each examination or reexamination;
2. Each license or certificate and each renewal thereafter;
3. Each duplicate license or certificate where the original is lost or destroyed and affidavit is made thereof.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3214 of Title 59, unless there is created a duplication in numbering, reads as follows:

Upon payment of the examination fee, an examination shall be administered at a time and place determined by the Board. The scope of the examinations and the methods of procedure shall be prescribed by the Board. The Board may permit reexamination of an applicant on payment of an appropriate fee.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3215 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall issue a license under a seal approved by the Board, to any applicant who has satisfactorily met all the requirements for licensure as a professional geologist. The license shall show the full name of the licensee, a license number and shall be signed by the chairman of the Board under the seal of the Board.

B. Upon notice of licensure, each licensee shall obtain a seal of design established by the Board bearing the licensee's full name, license number and the words "professional geologist".

C. All documents offered to the public and prepared or issued by or under the supervision of a professional geologist, shall include the full name, signature, date, license number and seal of the licensee.

D. It shall be unlawful for any individual to affix a seal on any document if the license of the licensee named thereon has expired or has been suspended or revoked unless the license has been renewed or reissued.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3216 of Title 59, unless there is created a duplication in numbering, reads as follows:

No firm, partnership, corporation or joint stock association collectively called "organizations" for the purpose of this section shall engage in the practice of geology before the public or use the title "professional geologist" except as follows:

1. The geological work of the organization shall be performed by or under the supervision of one or more professional geologists who shall sign and seal all documents;

2. If the principal business of the organization, as determined by the Board, is the practice of geology before the public, a full-time professional geologist shall have overall supervision and

control of the geological work performed by the organization in this state;

3. The organization shall identify the full-time professional geologists responsible for the geologic work, their license numbers, a description of the geologic work or services offered to the public, and any other information the Board may require.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3217 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board may issue a license to any individual who has made application, has provided proof of certification, registration or licensure under requirements which the Board determines to be substantially similar to those established pursuant to this act, and has paid any applicable fees.

B. The Board may also issue a license to any geologist who has made application and paid the applicable fees, has provided proof of certification, registration or licensure in another jurisdiction and has provided proof of experience in the practice of geology. The acceptable number of years of experience and licensure shall be determined by the Board.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3218 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board may take the following disciplinary actions, singly or in combination against a licensee, certificated geologist-in-training or organization as identified, for any violation of this act or based upon professional disciplinary action taken in another jurisdiction:

1. Deny issuance or renewal of a license or certificate;
2. Suspend or revoke a license or certificate in accordance with the Administrative Procedures Act;
3. Censure, reprimand or issue public or private admonishment;

4. Impose limitations, conditions or restrictions;
5. Require participation in a peer review program;
6. Require remedial education or training as prescribed by the

Board;

7. Impose probation requiring regular reporting to the Board;

and

8. Require restitution of compensation or fees.

B. Any individual aggrieved by a decision of the Board, shall have the right to appeal the order of the Board to the district court of Oklahoma County.

C. If the Board proposes to suspend or revoke an individual's license or certificate, the person is entitled to a hearing before the Board.

D. The Board may reissue a license or certificate to any individual whose license or certificate has been revoked, provided four or more voting members of the Board vote in favor of the reissuance. A new license or certificate, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the Board.

E. The Board shall notify the party by certified copy of an order from the Board to withhold, suspend or otherwise restrict a license issued by the Board. No appeal under the Administrative Procedures Act shall be allowed for a license withheld, suspended or restricted under this section.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3219 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any individual who holds himself or herself out to the public as a professional geologist in this state without being licensed or exempted in accordance with the provisions of this act, or any individual presenting or attempting to use as his own the license or the seal or another, or any person who shall knowingly give any false

or forged evidence of any kind to the Board or to any member thereof in obtaining a license or certificate, or any individual who shall violate any of the provisions of this act is guilty of a misdemeanor and upon conviction may be fined not to exceed (questions of Oklahoma law) One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or both. A conviction in a court of law for any of these offenses shall be grounds for the revocation of the license or certificate.

B. Any professional geologist licensed under this act who holds himself or herself out to the public to practice a subdiscipline of geology in which the individual is not qualified or cannot demonstrate to the Board that the person is qualified to practice that subdiscipline violates the provisions of this act. A violation under this subsection shall be considered fraudulent practice and may result in Board action.

C. The Board is charged with aiding in the enforcement of this act, and the Board may present to a district attorney complaints relating to violations of any of the provisions of this act. The Board through its members, officers, counsel and agents may assist in the trial of any cases involving alleged violation of this act, under the direction of the Attorney General.

D. The Attorney General shall act as legal advisor to the Board and shall render legal assistance as may be necessary in enforcing and making effective the provisions of this act.

SECTION 20. This act shall become effective November 1, 2005.

50-1-5446

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01/18/05