

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department or Agency Alabama Board of Licensure for Professional Geologists

Rule No. 364-X-2-.01

Rule Title: Definition of Terms

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

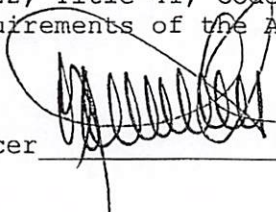
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.



Signature of certifying officer

REC'D & FILED

FEB 17 2023

Date: February 17, 2023

LEGISLATIVE SVC AGENCY
(DATE FILED)

APA-2
11/96

Alabama Board of Licensure for Professional Geologists

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Licensure for Professional Geologists

RULE NO. & TITLE: 364-X-2-.01 Definition of Terms

INTENDED ACTION: Amended

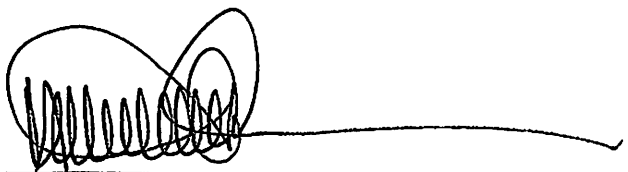
SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend geological tasks and services to geological services or work.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Wednesday, April 5, 2023. Comments should be directed to Keith E. Warren, *Executive Secretary*, 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-420-7236.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Wednesday, April 5, 2023

CONTACT PERSON AT AGENCY:

Keith E. Warren
Executive Secretary
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7236

A handwritten signature in black ink, consisting of a large, stylized initial 'K' followed by a series of vertical strokes and a long horizontal line extending to the right.

Keith E. Warren, *Executive Secretary*
Alabama Board of Licensure for Professional Geologists

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS
ADMINISTRATIVE CODE

CHAPTER 364-X-2
DEFINITIONS

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364-X-2-.01 Definition Of Terms

364-X-2-.01 Definition Of Terms. The following terms are hereby defined:

(1) "Board" shall mean The Alabama Board of Licensure for Professional Geologists.

(2) "Geologist" is a person who holds a degree in the geological sciences from an accredited college or university.

(3) "Geologist-in-Training" is a person who holds a degree in the geological sciences from an accredited college or university and who has successfully passed the part of the professional examination covering fundamental or academic geological subjects.

(4) "Geology" is the science dealing with the earth and its history; its constituent rocks, minerals, liquids, gases, and other materials of which it is composed, and the study of the processes responsible for the development and change in the component parts of the earth, for the benefit of mankind.

(5) "Good moral character" shall mean that character that tends to ensure the faithful discharge of the professional duties of the licensed professional geologist based on truth and adherence to ethical principles.

(6) "License" shall be interpreted as a certificate issued by the Board recognizing the individual named in this certificate as meeting the requirements for licensing under this act.

(7) "Licensed Professional Geologist" is the title for a person who holds a license as a professional geologist under this act.

(8) "Public practice of geology" for purposes of these rules and also for purposes of the application of Sections 34-41-1, et seq. of the Code of Ala. 1975, shall mean the performance of geological service or work, including, but not limited to, consultation, geological investigation, surveys, evaluations, planning, mapping, or review of geological work related to the public practice of geology, or both, in which the performance is related to the public welfare or safeguarding of life, health, property, and the environment except as otherwise specifically provided by the Section 34-41-1, et seq. of the Code of Ala 1975. A person publicly practices or offers to publicly practice geology if the person does any of the following:

(a) Offers to or provides geological work or services to the public in any discipline of the profession of geology.

(b) Represents himself or herself to be a licensed professional geologist by verbal claim, sign, advertisement, letterhead, card, or in another way.

(c) Implies that he or she is a licensed professional geologist or that he or she is registered under this act through the use of some other title.

(d) Holds himself or herself out as one who performs or is able to perform any geological services or work recognized by the Board as the public practice of geology.

For purposes of these rules and for purposes of Code of Ala. 1975, §24-41-1, et seq., ~~the following tasks and services shall be considered services or geological work:~~ "geological services or work" shall include the following tasks and practices:

Geologic and hydrogeologic logging of wells; geologic and hydrogeologic cross sections and associated interpretations; geologic and hydrogeologic surveys and reports; interpretations of geologic formations and aquifers from regional and site data; interpretation of uppermost aquifer; interpretation of confined or unconfined aquifers from well logs; evaluation of perched ground water conditions using well logs; surficial geologic mapping; subsurface geologic mapping; interpretation of hydrogeologic flow characteristics; sedimentation and sediment

geochemistry; interpretation of geologic and hydrogeologic characteristics from geophysical logs; mineralogic and petrologic petrographic evaluations.

These tasks and services, however, are not exhaustive of the tasks and services that may, upon request, constitute be recognized and approved by the Board geological services or geological work.

(9) "Responsible charge of work" shall mean the independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.

(10) "Specialty" shall be interpreted as a discipline of geology which is recognized as a subdiscipline for purposes of certification after registration as a licensed professional geologist.

(11) "Subordinate" is a person who assists a licensed professional geologist in the public practice of geology without assuming the responsible charge of work and who is under the direction and supervision of a licensed professional geologist.

(12) "Unprofessional conduct" concerns the practice of geology by a licensed professional geologist who willfully performs any act, causes omissions, or makes any assertions or representation which are fraudulent, deceitful or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of geology.

(13) "Resident of Alabama" shall be interpreted by the Board to include an employee of an Alabama-based employer who may be living beyond the geographical boundaries of the State as a condition of employment at the time such an employee files.

(14) "Independent Consultant" shall mean an individual or a company consisting of no more than two persons the main business of which is to perform geological services for hire for other entities.

(15) "Public Record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public.

(16) For purposes of Rule 364-X-1-.16, an "Aggrieved Person" means a person substantially affected, not just inconvenienced, by a statute administered by the Board or a rule promulgated by the Board.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-3.

History: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed February 17, 2023;