

By: Senator(s) Carter

To: Business and
Financial
Institutions

SENATE BILL NO. 2627

1 AN ACT TO AMEND SECTION 73-63-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE REGISTRATION REQUIREMENTS FOR PROFESSIONAL GEOLOGISTS
3 IN REGARD TO ENGINEERING ACTIVITIES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5
6 SECTION 1. Section 73-63-7, Mississippi Code of 1972, is
7 amended as follows:

8 73-63-7. (1) A person shall not use the term "Registered
9 Professional Geologist" unless that person is registered under
10 this chapter. Unless exempted under subsection (5) of this
11 section, any individual practicing, offering or attempting to
12 practice geology or claiming any specialty in geology, as a
13 professional, business or commercial identification, title, name,
14 representation or claim, or otherwise holding themselves out to
15 the public, as being qualified to practice geology or any of its
16 specialties shall be registered under this chapter.

17 (2) Unless exempted under subsection (5) of this section, no
18 person other than an individual shall engage in the practice of
19 geology unless the geological work is performed by or under the
20 supervision of one or more registered professional geologists, who
21 is in responsible charge of the work and signs and seals all
22 documents. If the principal business of the person, as determined
23 by the board, is the practice of geology, then a principal,
24 officer or director must be a registered professional geologist
25 and have overall supervision and control of the geological work
26 performed in this state.

27 (3) Except as exempted under subsection (5) of this section,

28 a person shall be construed to engage in the practice of geology
29 or offer to practice geology under this chapter if that person:

30 (a) Practices any branch of geology;

31 (b) Represents by verbal claim, sign, advertisement,
32 letterhead, card or any other way or implies through the use of
33 the title "geologist" that the person is registered under this
34 chapter;

35 (c) Holds himself or herself out as able to perform or
36 does perform any geologic services or work recognized by the board
37 as the practice of geology; or

38 (d) Makes geologic determinations and evaluations which
39 may affect the public welfare including, but not limited to, the
40 following activities: protection of groundwater to ensure
41 adequate quality and quantity for present and future generations;
42 prevention and remediation of contamination of the earth, earth
43 materials and water from improper disposal or accidental spills;
44 determination of the suitability and risks in containment and
45 disposal of wastes and hazardous materials including but not
46 limited to landfills, storage tanks, and injection wells; siting
47 of boreholes, depth of wells to be drilled, depth of casing and
48 grouting requirements for the construction of monitoring wells or
49 other borings into the earth that may affect one or more aquifers;
50 the suitability for construction projects including excavations,
51 buildings, dams, highways, and other structures which may be
52 affected by floods, landslides, earthquakes, sinkholes, erosion,
53 expansive/contractive earth and earth materials, etc. These
54 geologic determinations and evaluations do not include the design
55 of structures as defined by Title 73, Chapter 13 and other
56 engineering-related activities as clearly defined and mutually
57 agreed upon between the Board of Registered Professional
58 Geologists and the Board of Registration for Professional
59 Engineers and Land Surveyors in the memorandum of understanding
60 authorized under Section 73-63-53. In the absence of the

61 memorandum of understanding, qualified geologists and engineers
62 shall not be restricted from engaging in activities of either
63 profession where those activities are incidental to the duties of
64 his profession and are in compliance with the registration laws,
65 codes of ethics/professional conduct associated with his
66 professional affiliation.

67 (4) Any geologic report or geologic portion of a report,
68 which incorporates or is based on a geologic study or on geologic
69 data and is required by or supporting compliance with any federal,
70 state or local governmental law, ordinance, rule or regulation
71 shall be prepared by or under the supervision of a registered
72 professional geologist as evidenced by the geologist's signature
73 and seal.

74 (5) The following activities shall not require registration
75 under this chapter:

76 (a) Geological work performed by an employee or a
77 subordinate of a registered professional geologist, if that work
78 does not include responsible charge of geological work, and if the
79 work is performed under the direct supervision of a registered
80 professional geologist, who is responsible for that work;

81 (b) Geological work performed exclusively in the
82 exploration for and development (proving out) of petroleum
83 resources, including the giving of testimony, or preparation and
84 presentation of exhibits or documents regarding petroleum
85 resources for the sole purpose of consideration by, or being
86 placed into evidence before, any administrative agency, judicial
87 tribunal or public hearing, if the testimony, exhibits or
88 documents do not imply that the person is registered under this
89 chapter;

90 (c) The practice of engineering, including the
91 acquisition of engineering data and the utilization of these data
92 in analysis, design, and construction by professional engineers
93 appropriately registered in this state;

94 (d) Work customarily performed by physical or natural
95 scientists such as chemists, archaeologists, geographers,
96 oceanographers, pedologists and soil scientists, if that work does
97 not include the planning and execution of geologic investigations,
98 being in responsible charge of geologic work or the drawing of
99 geologic conclusions and making recommendations involving the
100 practice of geology; and

101 (e) Geologic work which does not affect the public
102 welfare as specified under subsection (3)(d) of this section.

103 (6) Nothing in this chapter shall be construed to permit the
104 practice of engineering by a geologist.

105 SECTION 2. This act shall take effect and be in force from
106 and after its passage.