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HOUSE BILL 1966

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Kirby, McMahan, Chase, Cairnes, McIntire, Carrell and Darneille

Read first time 02/18/2003.      Referred to Committee on Commerce & Labor.

1            AN ACT Relating to the practice of soil science; amending RCW  
2 18.220.010 and 18.220.190; adding a new section to chapter 18.220 RCW;  
3 and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.220 RCW  
6 to read as follows:

7            This chapter permits the state and any political subdivision of the  
8 state or a county, city, or other public body to use either the  
9 services of a soil scientist engaging in the practice of soil science  
10 or a licensed geologist or licensed specialty geologist engaging in the  
11 practice of geology or relevant specialty to perform work that is  
12 within the scope of practice of both professions.

13            **Sec. 2.** RCW 18.220.010 and 2000 c 253 s 3 are each amended to read  
14 as follows:

15            The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17            (1) "Board" means the geologist licensing board.

18            (2) "Department" means the department of licensing.

1 (3) "Director" means the director of the department of licensing.

2 (4) "Engineering geologist" means a geologist who, by reason of his  
3 or her knowledge of engineering geology, acquired by education and  
4 practical experience, is qualified to engage in the practice of  
5 engineering geology, has met the qualifications in engineering geology  
6 established under this chapter, and has been issued a license in  
7 engineering geology by the board.

8 (5) "Engineering geology" means a specialty of geology affecting  
9 the planning, design, operation, and maintenance of engineering works  
10 and other human activities where geological factors and conditions  
11 impact the public welfare or the safeguarding of life, health,  
12 property, and the environment.

13 (6) "Geologist" means a person who, by reason of his or her  
14 knowledge of geology, mathematics, the environment, and the supporting  
15 physical and life sciences, acquired by education and practical  
16 experience, has met the qualifications established under this chapter,  
17 and has been issued a certificate of licensing as a geologist by the  
18 board.

19 (7) "Geology" means the science that includes: Treatment of the  
20 earth and its origin and history, in general; the investigation of the  
21 earth's constituent rocks, minerals, solids, fluids, including surface  
22 and underground waters, gases, and other materials; and the study of  
23 the natural agents, forces, and processes that cause changes in the  
24 earth.

25 (8) "Hydrogeology" means a science that involves the study of the  
26 waters of the earth, including the study of the occurrence,  
27 circulation, distribution, chemistry, remediation, or quality of water  
28 or its role as a natural agent that causes changes in the earth, and  
29 the investigation and collection of data concerning waters in the  
30 atmosphere or on the surface or in the interior of the earth, including  
31 data regarding the interaction of water with other gases, solids, or  
32 fluids.

33 (9) "Licensed specialty geologist" means a licensed geologist who  
34 has met the qualifications in a specialty of geology established under  
35 this chapter and has been issued a license in that specialty by the  
36 board.

37 (10) "Practice of engineering geology" means performance of  
38 geological service or work including but not limited to consultation,

1 investigation, evaluation, planning, geological mapping, and inspection  
2 of geological work, and the responsible supervision thereof, the  
3 performance of which is related to public welfare or the safeguarding  
4 of life, health, property, and the environment, except as otherwise  
5 specifically provided by this chapter, and includes but is not limited  
6 to the commonly recognized geological practices of construction  
7 geology, environmental geology, and urban geology.

8 (11) "Practice of geology" means performance of geological service  
9 or work including but not limited to collection of geological data,  
10 consultation, investigation, evaluation, interpreting, planning,  
11 geological mapping, or inspection relating to a service or work that  
12 applies to geology, and the responsible supervision thereof, the  
13 performance of which is related to public welfare or the safeguarding  
14 of life, health, property, and the environment, except as otherwise  
15 specifically provided by this chapter.

16 (12) "Practice of geology for others" includes, but is not limited  
17 to:

18 (a) The preparation of geologic reports, documents, or exhibits by  
19 any commission, board, department, district, or division of the state  
20 or any political subdivision thereof or of any county, city, or other  
21 public body, or by the employees or staff members of the commission,  
22 board, department, district, or division of the state or any political  
23 subdivision thereof or of any county, city, or other public body when  
24 the reports, documents, or exhibits are disseminated or made available  
25 to the public in such a manner that the public may reasonably be  
26 expected to rely thereon or be affected thereby; and

27 (b) The performance of geological services by any individual, firm,  
28 partnership, corporation, or other association or by the employees or  
29 staff members thereof, whether or not the principal business of the  
30 organization is the practice of geology, which the geological reports,  
31 documents, or exhibits constituting the practice of geology are  
32 disseminated or made available to the public or any individual or  
33 organization in such a manner that the public or individual or  
34 combination of individuals may reasonably be expected to rely thereon  
35 or be affected thereby.

36 However, geological reports, documents, or exhibits that are  
37 prepared by the employees or staff members of any individual, firm,  
38 partnership, corporation, or other association or commission, board,

1 department, district, or division of the state or any political  
2 subdivision thereof or any county, city, or other public body that are  
3 for use solely within such organizations are considered in-house  
4 reports, documents, or exhibits and are not the practice of geology for  
5 others unless or until the reports are disseminated or made available  
6 as set forth in (a) or (b) of this subsection.

7 (13) "Practice of hydrogeology" means the performance of or offer  
8 to perform any hydrogeologic service or work in which the public  
9 welfare or the safeguarding of life, health, environment, or property  
10 is concerned or involved. This includes the collection of geological  
11 data, and consultation, investigation, evaluation, interpretation,  
12 planning, or inspection relating to a service or work that applies  
13 hydrogeology.

14 (14) "Practice of soil science" means the performance of or offer  
15 to perform soil science work including, but not limited to, the  
16 investigation, evaluation, planning, management, classification, and  
17 mapping of soil and the interpretation of soil behavior, including  
18 surface erosion and landslide assessment, and the inspection and  
19 responsible charge of such work.

20 (15) "Responsible charge" means the exercise of fully independent  
21 control and direction of geological work or the supervision of such  
22 work, and being fully responsible, answerable, accountable, or liable  
23 for the results.

24 ((+15+)) (16) "Soil scientist" means a person who is qualified to  
25 engage in the practice of soil science by reason of soil science  
26 knowledge acquired by education and practical experience, as determined  
27 by the director by rule, which must include at a minimum:

28 (a)(i) Graduation from an accredited college or university in a  
29 four-year course of study satisfactory to the director or from a four-  
30 year course of study in a program accredited by an organization  
31 recognized by the director, which includes at least thirty semester  
32 hours of credit, or the equivalent, in biological, physical, or earth  
33 science, with a minimum of fifteen semester hours, or the equivalent,  
34 in subjects such as soil genesis, pedology, soil chemistry, soil  
35 physics, and soil fertility, leading to a bachelor's or higher degree  
36 in soil science; and

37 (ii) Four years of experience obtained subsequent to completion of  
38 the academic requirements specified in (a)(i) of this subsection in

1 soil science work of a character satisfactory to the director and  
2 demonstrating that the person is qualified to assume responsible charge  
3 of soil science work; or

4 (b)(i) A bachelor's degree or higher from an accredited academic  
5 institution satisfactory to the director, but not having the course of  
6 study prescribed in (a)(i) of this subsection; and

7 (ii) Seven years of experience obtained subsequent to completion of  
8 the academic requirements specified in (b)(i) of this subsection in  
9 soil science work of a character satisfactory to the director and  
10 demonstrating that the person is qualified to assume responsible charge  
11 of soil science work.

12 (17) "Specialty" means a branch of geology that has been recognized  
13 under this chapter for the purposes of licensure. Engineering geology  
14 is considered to be a specialty of geology.

15 ~~((16))~~ (18) "Subordinate" means any person who assists in the  
16 practice of geology by a licensed geologist or an exempt person,  
17 without assuming the responsible charge of the work.

18 **Sec. 3.** RCW 18.220.190 and 2000 c 253 s 20 are each amended to  
19 read as follows:

20 The following activities do not require a certificate of licensing  
21 under this chapter:

22 (1) Geological work performed by an employee or a subordinate of a  
23 geologist or specialty geologist licensed under this chapter, provided  
24 that the work does not include responsible charge of geological work as  
25 covered by this section, and is performed under the direct supervision  
26 of a geologist licensed under this chapter, who shall be and remains  
27 responsible for such work;

28 (2) Geological work performed by officers and employees of the  
29 United States practicing solely as such officers and employees;

30 (3) Geological work performed exclusively in the exploration for  
31 energy and mineral resources, insofar as such work has no substantial  
32 impact upon the public health, safety, and welfare as determined by  
33 regulations issued by the director;

34 (4) Geological research conducted through academic institutions,  
35 agencies of the federal or state governments, nonprofit research  
36 institutions, or for-profit organizations, including submission of  
37 reports of research to public agencies;

1 (5) Teaching geology or related physical or natural sciences;

2 (6) The practice of engineering or other licensed professions: (a)  
3 The acquisition of engineering data involving soil, rock, ground water,  
4 and other earth materials; evaluation of the physical and chemical  
5 properties of soil, rock, ground water, and other earth materials; and  
6 the utilization of these data in analysis, design, and construction by  
7 professional engineers appropriately registered or licensed in this  
8 state; and (b) similar work performed by persons or organizations  
9 licensed or registered in any other profession or occupation related to  
10 geology, provided that such work is permitted under the applicable  
11 licensing or registration law, and is incidental to the practice or the  
12 profession or occupation for which licensing or registration is  
13 required. Nothing in this section shall be construed to permit the use  
14 of the title geologist or engineering geologist, or any other specialty  
15 as defined by the director, by an engineer or other licensed  
16 professional except as licensed under this chapter;

17 (7) Geological work or general scientific work performed by soil  
18 scientists in the preparation of reports, documents, and exhibits  
19 relating to the practice of soil science. Nothing in this section may  
20 be construed to permit the use of the title geologist or engineering  
21 geologist, or any other specialty as defined by the director, by a soil  
22 scientist except as licensed under this chapter;

23 (8) General scientific work customarily performed by such physical  
24 or natural scientists as chemists, archaeologists, geographers,  
25 hydrologists, oceanographers, and pedologists, ~~((and soil scientists,))~~  
26 providing such work does not include the design and execution of  
27 geological investigations, being in responsible charge of geological or  
28 specialty geological work, or the drawing of geological conclusions and  
29 recommendations in a way that affects the public health, safety, or  
30 welfare; or

31 ~~((+8))~~ (9) The giving of testimony, or preparation and  
32 presentation of exhibits or documents for the sole purpose of being  
33 placed in evidence before any administrative or judicial tribunal or  
34 hearing, providing such testimony, exhibits, or documents do not imply  
35 that the person is registered under the provisions of this chapter.

36 NEW SECTION. **Sec. 4.** This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the  
2 state government and its existing public institutions, and takes effect  
3 immediately.

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