

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Moore**

A Bill

SENATE BILL 556

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 17-45-102 TO INCLUDE
9 WITHIN THE PRACTICE OF GEOLOGY THE SUPERVISION OF
10 DRILLING GROUNDWATER MONITORING WELLS; TO AMEND ARKANSAS
11 CODE § 17-45-301 TO MAKE IT UNLAWFUL FOR ANY PERSON OTHER
12 THAN A REGISTERED GEOLOGIST TO SUPERVISE THE DRILLING OF
13 GROUNDWATER MONITORING WELLS; TO DECLARE AN EMERGENCY; AND
14 FOR OTHER PURPOSES."

Subtitle

17 "AN ACT TO REQUIRE A REGISTERED GEOLOGIST TO SUPERVISE THE
18 DRILLING OF GROUNDWATER MONITORING WELLS AND THE
19 INSTALLATION OF INSTRUMENTS."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code § 17-45-102 is hereby amended to read as
24 follows:

25 "17-45-102. Definitions. As used in this chapter, unless the context
26 otherwise requires:

27 (1) Board means the State Board of Registration for Professional
28 Geologists;

29 (2) Geologist means a person engaged in the practice of geology;

30 (3) Geology means that science which treats of the earth in general,
31 investigation of the earth's crust and the rocks and other materials which
32 compose it, and the applied science of utilizing knowledge of the earth and
33 its constituent rocks, minerals, liquids, gases, and other materials for the
34 benefit of mankind;

35 (4) Public practice of geology means the performance of geological

1 service or work such as consultation, investigation, evaluation, planning,
2 mapping, and inspection of geological work in which the performance is related
3 to public welfare or the safeguarding of life, health, property, and the
4 environment, except as specifically exempted by this chapter. The public
5 practice of geology also includes the oversight or supervision of any drilling
6 operations that result in the installation of groundwater monitoring wells or
7 piezometers. A person shall be construed to practice publicly or offer to
8 practice publicly geology if that person practices any branch of the
9 profession of geology; or by verbal claim, sign, advertisement, letterhead,
10 card, or in any other way represents himself to be a geologist; or, through
11 the use of some other title, implies that he is a geologist; or represents
12 that he is registered under this chapter; or holds himself out as able to
13 perform or does perform any geological services or work recognized as geology;

14 (5) Qualified geologist means a person who is not registered under
15 this chapter, but who possesses all the qualifications specified in this
16 chapter for registration;

17 (6) Registered certified specialty geologist means a person who is
18 certified as a specialty geologist under this chapter;

19 (7) Registered geologist means a person who is registered as a
20 geologist under this chapter;

21 (8) Geologist-in-training means a person who meets all requirements
22 for registration except length of experience and who has applied for and has
23 been approved by the board for registration. Upon completion of his required
24 length of experience and after review by the board, he may be granted the
25 title of registered geologist;

26 (9) Responsible charge of work means the independent control and
27 direction of geological work or the supervision of that work by the use of
28 initiative, skill, and independent judgment;

29 (10) Subordinate means any person who assists a registered geologist
30 or a registered engineer in the practice of geology without assuming the
31 responsible charge of work;

32 (11) Oversight or supervision means the on-site presence of a
33 geologist registered under this chapter with the responsibilities of well and
34 screen placement, installation, and development supervision."

35

1 SECTION 2. Arkansas Code § 17-45-301 is hereby amended to read as
2 follows:

3 "17-45-301. Unlawful actions.

4 (a) It shall be unlawful for any person to publicly practice or offer
5 to publicly practice geology in this state or to use in connection with his
6 name, or otherwise assume, or advertise, any title or description tending to
7 convey the impression that he is a registered geologist unless the person has
8 been registered or exempted under this chapter.

9 (b) The right to engage in the practice of geology shall be deemed a
10 personal right, based on the qualifications of the individual as evidenced by
11 his certificate of registration, and shall not be transferable.

12 (c) It shall be unlawful for any person other than a registered
13 geologist, a registered certified specialty geologist, or a subordinate under
14 the direction of one of the above to prepare any geologic plans, reports, or
15 documents in which the performance is related to the public welfare or
16 safeguarding of life, health, property, or the environment.

17 (d) It shall be unlawful for anyone other than a geologist registered
18 under this chapter to stamp or seal any plans, plats, reports, or other
19 documents with the seal or stamp of a registered geologist or registered
20 certified specialty geologist or to use in any manner the title _registered
21 geologist_ or the title _registered certified specialty geologist_ unless
22 registered and certified under this chapter.

23 (e) It shall be unlawful for any person to affix his signature or to
24 stamp or seal any plans, plats, reports, or other documents after the
25 certification of the registrant named thereon has expired or has been
26 suspended or revoked unless the certificate has been renewed or reissued.

27 (f) It shall be unlawful for anyone other than a geologist registered
28 under this chapter to supervise or oversee a drilling operation within the
29 state of Arkansas when the drilling operation results in a bore hole that is
30 to be utilized as a groundwater monitoring well or piezometer. Further, the
31 supervision or oversight of monitoring well and piezometer installations
32 requires that the registered geologist be on site during all critical phases
33 of bore hole excavation, well installation and development and that he or she
34 have the responsibility of the preparation and filing, with the appropriate
35 agencies, of all geologic records."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 3. Subchapter 3 of Chapter 45 of Title 17 of the Arkansas Code is amended by inserting an additional section at the end to read as follows:

"17-45-315. Nothing in this chapter shall be construed to exempt any person from the provisions of Chapter 43 of Title 17 of the Arkansas Code or rules and regulations adopted pursuant thereto concerning the construction of monitoring and piezometer wells or from obtaining proper licenses and permits from the Arkansas Water Well Construction Commission."

SECTION 4. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. Emergency. It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the number of groundwater wells being drilled for monitoring landfill and other types subsurface pollution is increasing at a rapid pace; that it is critical for Arkansas_ environment and subsurface waters that these wells be drilled properly and the instruments be installed correctly; and that professional supervision of these drilling operations are necessary to insure the proper installation of these monitoring instruments. Therefore, in order to protect Arkansas_ critical subsurface water resources, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

/s/ Senator Moore

1

2

3