

Members present: McKissick, Lingenfelter, Hafen, Hilbrecht, Capurro
Poggione, Ashworth, Dini, Branch

Members absent: None

Others present: James H. Bright - Chairman, Registration Committee for EGN
Vernon Scheid - Speaking in behalf of SB 21 for himself
Stephen Castor - Chairman, Action Committee, Geology
Graduates Students Ass.
George E. Brogan - President, Geology Grad. Students Ass.
Daniel E. Collins - Vice-President G.G.S.A.
Professor Payne - Mackay School of Mines

Chairman McKissick called the meeting to order at 11:05 A.M. Committee first discussed AB 714, the subcontractor's bill and possible amendments thereto.

It was decided no major changes needed to be made.

Mr. Lingenfelter moved to do pass AB 714.

Motion was seconded by Hilbrecht.

Motion carried with six "yes" votes and Poggione voted "no".

Chairman said that the proponents of SB 621 could now come forth and present their case.

SB 621. Provides for registration and licensing of geologists.

Mr. James Bright representing the Registration Committee for Exploration Geologist of America spoke first and said that their membership of about 80 consists of geologists in the employ of exploration and mining companies, state and federal organizations, and self-employed prospectors and public consultants. He said that they were in favor of SB 621 to license and register geologists practicing for the public in Nevada is also supported by the current Nevada State Board of Registered Professional Engineers and Land Surveyors, the Nevada Society of Professional Engineers and others (see attached document). He said that currently that practicing geologists is a presently unregulated professional field. He said that this bill recommends itself through benefits to the safety, health, and property of the people of Nevada and to the promotion of the public welfare.

He further stated that applicants for registry would be required to be a graduate of an accredited university with a major in geology or its equivalent as specified in the bill. The applicant must have at least 8 years of professional geological work, 4 years of which may be of an academic nature, and he must successfully pass an examination prescribed by the board.

He said that there was a grandfather clause in this is that an examination may be waived for any Nevada resident who applies within 6 months after the effective date of this bill if he meets the minimum specified education and experience requirements. He also added that there was reciprocity in this

and that if Nevada was organized in this way other states would recognize us.

Vernon Sheid spoke next and he said that he was not speaking for any particular group but as a geologist and an individual. He said that the way this bill was drawn it would encourage good geologists to come to the this state and we need them. They need to come for various reasons at this time when the people are becoming aware of what the earth means to us, how to make better dams, to control quakes etc. It is, therefore, important we be qualified to provide this information to the public. These men must provide the information that the public needs in making proper decisions he emphasized. California has recognized this for some time. He said that they have an experienced board already that can guide this and no expense to the state but financed entirely through registration fees. At the present time, he said, California has fourteen cities considering bills of this sort.

Various questions were asked by Committee members.

Chairman McKissick asked if there were opponents to this bill who would like to speak.

Whereupon three University graduate students came forward from the Geology Graduate Students Association.

Stephen B. Castor spoke first and said we do not have the four years experience And I wish to work as a practicing geologist under this bill I would have to put in four more years of experience and we are opposed to this bill particularly as California only requires three. Also he said he thought the language in the bill was somewhat vague. He said that Section 12 really "bugged" them where certain requirements would be waived for a professional geologist for a Nevada resident should make written application to the board under this section no later than six months following the effective date of this act, item 2 also under this section.

George E. Brogan spoke and said he did not even know how it was going to support itself (this plan) as there were only 200 or so in the state who would possibly qualify and a small portion would qualify.

Mr. Bright said that in California there were over 3,000 registered geologists and the fee was \$35.00 per year and it certainly did pay for itself.

Mr. Capurro said that when he saw a bill like this he thought right away there was a problem. If there was a problem he thought the Committee should hear about it.

Mr. Branch spoke on the grandfather clause of six months and said he thought it was only fair that those who were practicing and who would be practicing should be included in it.

Chairman McKissick said that whenever they started something of this kind they grandfathered people in and it was a common practice.

Mr. Ashworth said that if there is a problem it was wise to get everybody in the act so they could control them and spoke about the State Board of Accountancy had started out.

One of the students said another point he would like to make was this business of reciprocity with California. 285

Mr. Ashworth asked if California offered reciprocity to us in this matter?

It was mentioned that Arizona had a better plan than California or so the Association of students thought.

Mr. Payne spoke at this point as he had shortly before entered the meeting. He said he was a University Professor in charge of the Mackay School of Mines from which these students had come. He said he wanted to insert here that these students did not represent the views of him or a majority of the students, and he did not want the Committee to get this impression.

Chairman said he would like to interrupt at this point to reconsider SB 473, the bill which would extensively amend Nevada Installment Loan and Finance Act. He said that it had been brought to his attention that parts of this bill were in conflict that with page 3, line 29. What it meant, he said was that the interest would be higher up to \$2,500.00 and in excess of this amount would be lower.

Mr. Capurro moved to amend SB 473 and do pass as amended.

Motion seconded.

Motion carried.

Committee agreed for Mr. Branch to make the formal amendment.

Discussion continued on SB 621.

Mr. Ashworth said let's see where you both are. Do you both agree there is regulation needed in this area?

One of the students told him that they just could not qualify under this bill.

Mr. Ashworth asked if they were included in at the start would that be acceptable?

They did not answer definitely.

It was mentioned to that the objections seemed to be about the experience.

Mr. Bright said that if the bill was amended not to include the experience it would be dead. They wanted to keep it in line with the engineering board.

Chairman McKissick thanked those present who had presented their views so well and told them the Committee would confer with the Senate on this bill.

Meeting adjourned at 11:50 A.M.

For further information on both sides of SB 621 see attached documents.

EXPLORATION GEOLOGISTS OF NEVADA

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POST OFFICE BOX 13507

RENO, NEVADA 89507

April 7, 1971

Statement to: Commerce Committee - Nevada House of
Representatives

Representative Howard F. McKissick, Jr.,
Chairman

Mr. Chairman, my name is Jim Bright, and I represent an organization known as the EGN, or Exploration Geologists of Nevada. Our membership of about 80 consists of geologists in the employ of exploration and mining companies, state and federal organizations, and self-employed prospectors and public consultants.

Mr. Chairman, the Exploration Geologists of Nevada are in favor of Senate Bill No. 621. This bill to register and license geologists practicing for the public in Nevada is also supported by the current Nevada State Board of Registered Professional Engineers and Land Surveyors, the Nevada Society of Professional Engineers, the Southern Great Basin Geological Society, headquartered in Las Vegas, and the California State Board of Registration for Geologists which has had much to do with insuring reciprocity between states.

Senate Bill 621 introduces qualifying criteria for practicing geologists in a presently unregulated professional field. This bill also recommends itself through benefits to the safety, health, and property of the people of Nevada

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and to the promotion of the public welfare. These benefits are in the fields of geology including, but not limited to: mineral exploration and development, mining geology, petroleum geology, hydrogeology, the further development of the science of geology, and other geologic matters of concern to the people of the state. The bill insures that registration of geologists in the state of Nevada will be self-supporting, that professional recognition between states will be established, and that adequate recognition of mature, experienced members of the profession will be insured.

Briefly, the bill adds a qualified geologist as a full member to the existing state board of registered professional engineers and land surveyors. The geologic board member will be chairman of an examining committee composed of 4 non-board, registered or qualified geologists. This examining committee acting through the board will have full responsibility for accepting geological registrants, and for acting in matters concerning the registration of geologists. All members of the examining committee are to be appointed by the governor. The present title of the board will be changed to the State Board of Registered Professional Engineers, Land Surveyors, and Geologists.

Applicants for registry would be required to be a graduate of an accredited university with a major in geology

or its equivalent as specified in the bill. The applicant must have at least 8 years of professional geological work, 4 years of which may be of an academic nature, and he must successfully pass an examination prescribed by the board. The examination may be waived for any Nevada resident who applies within 6 months after the effective date of this bill, if he meets the minimum specified education and experience requirements. Further, and very important, is the extending, by the board, of recognition without examination to a registered geologist from outside the state who wishes to practice geology in Nevada.

Exempted from provisions of this bill are individuals, public institutions, firms, or corporations practicing geology solely for their own benefit or not offering geologic services to the public. Employees of the United States or the State of Nevada are also exempt.

As a summary, I would like to outline the specific benefits provided by Senate Bill 621 to the people of Nevada. Passage of the bill will cause the establishment of a legally recognized committee and board member that the public may turn to for advice or redress. The board may exercise its powers of enforcement against unethical or unlawful practices in geology when this behavior affects the public. The board will provide a register of geologists currently approved to practice geology for the public; all

persons whether from within or without the state who offer their geologic services to the public will be required to be registered by the Nevada Board. The qualifications of non-resident geologists who apply for registration in Nevada will be thoroughly examined by the board, and fees collected pursuant to their registration.

Finally, this bill makes it impossible for an untrained, inexperienced individual, or one who has little or no applied practical knowledge, to present himself to the public as a qualified consulting geologist. The bill protects the public by requiring this consultant to have had proper education and proper experience, similar to requirements imposed for the public's sake on consulting engineers and physicians.

Thank you.

Respectfully submitted,



James H. Bright
Chairman, Registration Committee

Geology Graduate Students Association
Mackay School of Mines
University of Nevada
Reno, Nevada 89507

April 14, 1971

Nevada State Assembly
State Legislative Building
Carson City, Nevada

Dear Sirs:

Just recently, a copy of a proposed addition to Chapter 625 N. R. S., known as S. B. 621, regarding the registration of geologists, was brought to the attention of the Geology Graduate Students Association at the Mackay School of Mines, University of Nevada, Reno.

We wish to register officially with the Nevada State Legislature our extreme disapproval of S. B. 621 and the related Assembly Bill. Our disapproval is based upon the following arguments:

1. It is difficult to see how any benefits to the safety, health, and property of the people of Nevada will be promoted by the proposed system of registration. As we understand it, the supporters of this legislation are concerned about harmful effects on the public welfare caused by unprincipled or unqualified individuals working as geologists. However, if the factors deciding whether or not an individual is qualified are unsatisfactory, then this objective will not be met. As we see it, the system outlined in S. B. 621 for adjudging the geological capabilities of an individual (Section 11, page 3) is inadequate, ambiguous, and unfair. We have further beliefs that the proposed legislation is not the desire of the majority of the profession, but rather a manipulation by a minority to meet their ends.

(a) In Section 11, subsection 1, no criteria or guidelines are listed that are to be used by the Board in determining the goodness, or badness, of an individual's moral character. The prospect of introducing personal prejudice or bias is an unpleasant one, as you must surely agree.

(b) In Section 11, subsection 2a, paragraph 2, a definite bias against academic background is entailed. The substitution of undergraduate and graduate schooling is left up to the discretion of the Board. This could easily lead to inconsistencies. Furthermore, academic work in the proposed system may count only for a maximum of four years out of the total of eight years of experience required. It is entirely conceivable here, that a professional "hack" may receive registration while a sharp academic mind may be disqualified (this is not to say that professionals are all "hacks" nor that all academic minds are brilliant, but it does point out an entirely conceivable situation). Since we are graduate students in geology and have

invested a good deal of time in academic work (more than four years), you can understand that this particular flaw in this proposed registration system is of utmost concern to us.

(c) Section 11, subsection 2b makes it necessary for the individual to obtain references from two geologists who are either registered as geologists in the state of Nevada or who are willing to take the time to prove to the Board that they are qualified (i. e., take the examination, obtain their own letters of recommendation, etc.). This will be rather difficult for many individuals from outside the state of Nevada. Furthermore, it seems to involve endless beaurocratic red tape.

(d) In Section 1, subsection 6, and Section 11, subsection 2c, ambiguity prevails regarding the statement "responsible charge of geologic work". Does field mapping for an established mining company qualify as "responsible charge of geologic work"? Does core-logging qualify? Does routine claim location qualify? The definition of this term is too important to be left up to the discretion of the Board.

2. Section 12 is a grandfather clause. A person's qualifications may be based entirely upon seniority and not necessarily upon ability. In our opinion, all individuals who wish to be registered should be required to take and pass the examination. This might benefit the public welfare somewhat more than the present bill as outlined.

3. Coming at a time of employment insecurity within both the academic and professional phases of geology, this registration proposal is highly suspect. It appears to us to be simply a method employed by established professionals to protect themselves from competition. The inclusion of the grandfather clause certainly seems to back up this impression.

4. We understand that registration of geologists in California has been a law for less than a year now and that the state of California has already been subjected to quite a bit of litigation concerning the new law. We know that the proposed registration for Nevada is similar to that of California. It is probable that imposing such a system in Nevada will cause more trouble, and money from lawsuits and enforcing the new law, for Nevada than it alleviates.

5. It is hard to see how such a system as proposed in S. B. 621 can be self-supporting in Nevada without the imposition of large application and registration fees. There are probably only about 200 geologists in Nevada. Of this total, only a small number would request registration; therefore, this bill is not representative of the majority of Nevada's geologists.

6. We have been told by those supporting this bill that reciprocity is desired with states where geologists are currently registered, such as California and Arizona. Reciprocity is a mutual agreement between the states concerned, and involves letting geologists of one state with registration work in the other state and vice versa. The passage of this bill does not insure reciprocity with other states, as reciprocity is a mutual agreement between those states involved. Reciprocity will be achieved with those states, if ever, long after the passage of the bill, depending upon the political atmosphere or motives. If reciprocity is the only effect desired, then it is only necessary to require geologists from states that require registration to register, and pay the registration fee in Nevada if they

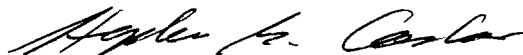
wish to work in Nevada or for a Nevada client. Such a system works in the case of countersigning policies in the insurance business.

7. At this time of increasing Federal, State, and Local governmental control over the individual, it is terribly difficult to justify a further incursion into the rights of the individual. This, we feel, is particularly true in this case, since the proposed legislation would be ineffectual in combatting the problems for which it is purportedly being advanced.

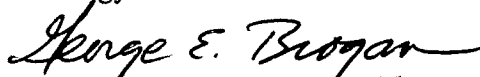
8. A system for protection of public welfare is already in effect. The process of civil suit has, in our minds, provided the public with the protection that is needed against unscrupulous persons representing themselves as geologists. It should be pointed out that this proposed legislation is not going to cure the mistakes in judgement or decision that geologists may make. The factor of human error cannot be eradicated by the legislation before you.

In conclusion, we feel that the proposed registration of geologists would indeed insure "adequate recognition of mature, experienced members of the profession" (underlining is ours). We doubt, though, that it would insure adequate recognition of good geologists or benefit the public welfare more than the present conditions.

For The Association,



Stephen B. Castor
Chairman, Action Committee
Geology Graduate Students Association



George E. Brogan, President
Geology Graduate Students Association



Daniel E. Collins, Vice-President
Geology Graduate Students Association