

21 November 2002

Oregon Administrative Rule on Public Testimony about Geology:

Unconstitutional

OAR 809-050-0030

Registration Requirement for Public Testimony

(1) Registration as a geologist in the State of Oregon is required of a person who presents public testimony on geologic issues if the person states or in any way implies that the person is a registered geologist or certified in a specialty, such as engineering geology.

(2) Registration as a geologist in the State of Oregon is required of a person who presents public testimony on geologic issues if:

(a) The testimony is related to public welfare or safeguarding of life, health, property and the environment; and

(b) The person performs any consultation, investigation, surveys, evaluation, planning, mapping, or inspection of geologic work; and

(c) The person uses the title "geologist" or any title or description tending to convey the impression that the person is a geologist.

(3) Registration as a geologist in the State of Oregon is required if, for purposes of public testimony, a person prepares or provides geological maps, plans, reports or documents to a third party so that the third party may testify.

(4) Notwithstanding subsections (1),(2),and (3) of this rule, registration as a geologist in the State of Oregon is not required if a person:

(a) Presents public testimony on geological issues while in compliance with ORS 672.535 and states the manner of the compliance; or

(b) Presents public testimony on geological issues while in compliance with ORS 672.545 and states the manner of the compliance; or

(c) States personal opinions during public testimony on geological issues, but does not engage in the public practice of geology as defined in ORS 672.505(7) in order to arrive at those opinions, and does not claim to be a geologist.

Stat. Auth.: ORS 672

Stats. Implemented:

Hist.: GE 1-1986, f. & ef. 1-3-86; BGE 2-2002, f. & cert. ef. 4-15-02