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MESSAGE FROM THE PRESIDENT

- Jeffrey E. Loney, President

NYSCPG has made significant progress during the past year in moving forward toward realization of our goal of the establishment of licensure for geologists in New York.

NYSCPG emerged in 1995 from a series of rather informal breakfast meetings attended by a small group of interested geologists. There was a limited understanding within the group of initial NYSCPG supporters (including this writer) as to the complexity of the process associated with developing appropriate legislative language and the overall legislative process. This situation is exacerbated by complexities in the New York State Business Corporation Law and Limited Liability Company Law, which need to be addressed within the context of the legislation.

NYSCPG has successfully worked through these learning curve issues as evidenced by the formal printing of S-3263/A-6281 bill prior to the end of the 1999-2000 legislative sessions. However, passage of S-3263/A-6281 during the 1999-2000 legislative sessions was not realized as discussed in further detail in the article written by Don Clarey, our lobbyist. I view the non-passage of our legislation during the 1999-2000 legislative sessions as a minor setback.

During the past year the legislature and regulators have recognize NYSCPG as an entity. Several months ago we were invited by the New York State Department of Health to provide technical support to a task force being assembled to assist the agency in developing up regulations for the new water well driller's bill. Director Bill Dickerson has been sitting on this advisory group for NYSCPG.

Improved visibility of NYSCPG and recognition our profession's impact on human health and the environment are key elements in moving forward in the legislative process.

We will be positioned to enter the 2001-2002 legislative sessions with what we deem as final bill language that will be supported by the New York State Society of Professional Engineers (NYSSPE) and other organizations that have a vested interest in this legislation. Navigation through the political maze will be augmented by our now clear(er) understanding of that process and through the support of our membership in fostering communication and the education of individual Assembly and Senate representatives, relative to the merits of the S-3263/A-6281 legislation.

As an organization NYSCPG needs to use the current hiatus in the legislative process to gather the momentum to carry us into the future and to realization of our initial goal of recognition and licensure of the practice of geology. We have received on-going financial support from our Regular, Prospector, Corporate Members, the local APG groups, AIPG Northeast and most recently AAPG's certifying entity, the Division of Professional affairs (DPA). We need to continue to expand our membership base. I would like to challenge each member to recruit one or more colleagues into the NYSCPG ranks during the summer. This is a fairly easy task that can be accomplished through the course of routine networking we all do on a daily basis.

Communications with the membership through E-mail have been recently initiated and I have received a number of immediate comments and inquiries. I have had inquiries seeking information as to the status of NY licensure from diverse locations including Louisiana, California, Arizona and Saudi Arabia. I anticipate that NYSCPG will make increased use of E-mail communication in the future to attempt to communicate more timely information.

If you have questions, comments or are interested in taking a larger role in YOUR organization give me a call at 716-327-5532 or send an E-mail to JEL@HaleyAldrich.com.

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UPDATE ON THE LICENSURE BILL

- *William Kelly, Chairman, Legislative Committee*

The legislative session is at an end from the point of view of NYSCPG. The geologists' licensure bill ended the session in the Higher Education Standing Committees of both the Senate and Assembly. There were some notable accomplishments during the past six months, however, accomplishments which should facilitate the passage of the bill in the next legislative session.

NYSCPG has, after many meeting with the officers and legal representatives of the NYS Society of Professional Engineers (NYSSPE), achieved agreement with that organization regarding the language of the geologists' licensure bill. With this agreement, NYSSPE will rescind its long-standing memorandum of opposition to the licensure of geologists. This is a major advancement. The NYSSPE has opposed geologists' licensure for roughly two decades. Support of the engineering community is critical to our sponsors in the Assembly and Senate.

The revised version of the licensure bill is now in print as S.2363A and A.6281A. In the Senate, the bill has in addition to Sen. Marcellino, six co-sponsors. These are Senators DeFrancisco (49th, Onondaga), Hannon (6th, Nassau), Marchi (24th, Richmond), McGee(56th, Chautauqua, Cattaraugus, Allegany, Livingston), Rath (60th, Genesee, Erie) and Volker (59th, Wyoming, Erie, Livingston). In the Senate, support for the bill is good and chances of passage are strong. Had the situation in the Assembly been otherwise, the bill might have passed the Senate this year. However, since the bill was not going to be reported out of the Assembly Higher Education Committee this session, there was little enthusiasm for passage of a one-house bill.

In the State Assembly progress is slower although the direction of movement is forward. Representatives of NYSCPG have had several meetings with staff members of Assemblyman Ed Sullivan and with the Assemblyman himself in the past two years. Assemblyman Sullivan is Chairman of the Higher Education Committee and it is he who controls the passage of legislation through his committee. Our discussions with the Assemblyman focus largely on the question of licensure, *sensu lato*, and to a lesser degree on specific licensure of geologists. He is concerned about the proliferation of professional licenses and we continue to work with the Assemblyman to raise his level of comfort with the necessity for the professional licensure of geologists. Assemblyman Sullivan does not oppose geologists licensure *per se* and consequently NYSCPG believes that we will eventually prevail.

We have come a long way in the quest for licensure. We know where the difficulties lie and we are well positioned to pre-file the bill for the next legislative session. Many thanks to all of our members who have supported NYSCPG for the past years. Let us stay the course.

LEGISLATIVE REPORT

- Don Clarey, Lobbyist

The New York State legislature adjourned on Friday June 23, 2000 without passing S-3263/A-6281 our legislation to create the licensed practice of geology under the supervision of the New York State Department of Education. Despite no final action this year, great strides were made because we have final agreement with the professional engineers on the language of the bill. This fact removes the most significant stumbling block the legislation had faced. Unfortunately, negotiations with the engineers dragged on throughout the spring causing the revised bill to be printed very late in the session. A key requirement for the bill to clear the Senate Higher Education Committee was a memorandum of support from the professional engineers. Because of the late printing of the revised bill, no memorandum was sent prior to adjournment.

While we have strong support in the Senate, a major problem remains in the Assembly. Particularly, the problem lies with the Chairman of the Assembly Higher Education Committee. Assemblyman Edward Sullivan (D-New York City). He is very reluctant to create new professions as a matter of personal principle. Over the past two years we have "softened him up" and he seems to be more favorable to our cause and left us with reason to be more optimistic for next year but at our recent meeting he made it clear that the bill would not move through his committee in 2000.

However, due to a mid-session attempt by the Democratic majority leader to overthrow the Democratic Speaker of the Assembly, the possibilities for change in key positions in the Assembly next year are quite great. Although Speaker Sheldon Silver survived the coup d'état attempt, many long time Albany observers believe that he was fatally wounded in this effort and will be challenged and removed by another leader when the Democrats reorganize for the 2001 Session after the November election. What will these potential changes mean for our professional geology bill? The answer is plenty. There is currently a very significant struggle for power going on within the Democratic caucus. While this fight will be hidden from the public, a great deal is at stake. If Speaker Silver survives and is reelected Speaker, there will likely be a rather large shift in Assembly committee chairmanships. These positions mean a member receives a higher salary, a larger staff and is given additional power. Several of the current chairmen are believed to have been involved in the over-throw plot. While Silver removed a few chairmen as retribution (and fired Majority Leader Bragman), he was in a too weakened position to remove some of the other conspirators. If he survives he will have to wheel and deal and that means he will have he will be offering lucrative chairmanships to supporters. That means the chairmanship of the Assembly Committee on Higher Education may be in play. Sullivan is not known as a strong Silver supporter, if he ends up on the wrong side of the struggle, it is likely someone else will move in as chairman of that committee. If the struggle turns out in a Silver defeat, the new Speaker will also reward his supporters with

chairmanships. Sullivan, if he is on the winning side, may get an even more prestigious post, opening up the Higher Education position to another Assemblyman. It will be interesting to watch this process over the coming fall. There is precedent for this. In 1994 The Republicans in the Senate overthrew their leader over the Thanksgiving weekend and installed Senator Joe Bruno. To the victors went the spoils and several major chairmanships and leadership posts changed hands at that time.

Most of this action will be missed in the media. I will keep my ear to the ground and hopefully I will pick up some information. On the whole, however, I believe that due to our agreement with the professional engineers the likelihood of passage in 2001 is bright, regardless of what transpires politically in the Assembly this fall.

NYSCPG MEMBERSHIP -

-Jerry Bastedo, Vice President and Membership Chairman

The drive for licensure will be continuing into the Fall and the next legislative session. The officers and directors of the NYSCPG encourage you to recruit new members for the NYSCPG. Encourage your colleagues and fellow geologists to take out a membership today! New Hampshire has finally passed their licensing bill and let's generate the support that we need to get New York's passed during the next legislative session.

As of July 11, 2000, memberships for 2000 include 198 individual, 26 prospector, 3 Platinum Corporate, 4 Gold Corporate and 15 Silver Corporate Members. The NYSCPG also thanks Stephen J. Rossello for his donation.

Please forward all membership forms to Jerry Bastedo, VHB, Inc. S-5215 Orchard Avenue, Hamburg, New York 14075. Five employees may be included with each corporate membership. Please fill out a membership form for each employee for our records and correct mailing address. Contact Jerry at (716) 627-4572 or jbastedo@vhb.com for additional information.

NYSCPG 2000

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