

SUBJECT: Creating the Texas Board of Professional Geoscientists

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 7 ayes — Wilson, Yarbrough, Goolsby, J. Moreno, Palmer, A. Reyna
0 nays
2 absent — Flores, Haggerty, D. Jones

SENATE VOTE: On final passage, May 13 — voice vote

WITNESSES: (*On House companion bill, HB 34:*)
For — J. Mark Baker, Paul Heidgerd, and Paul M. Sawyer, Texas Association of Professional Geoscientists; Robert B. Botto, Texas Association of Geographers; William Kevin Coleman, Association of Engineering Geologists and American Institute of Professional Geologists; Kerry W. Hill, Central Freight Lines; John K. Mikels; Eric Muehlberger; David G. Rensank, American Institute of Professional Geologists

Against — None

On — James T. Abbott, Ph.D.

DIGEST: CSSB 129 would create the Texas Board of Professional Geoscientists. The bill would define “geoscience” to include only geology, geophysics, soil science, and physical geography.

The board would have nine members appointed by the governor with the advice and consent of the Senate. Six members would have to be licensed geoscientists and three members would be public representatives. The board and its activities would be funded through its own fees and penalties.

A geoscientist license would be required for anyone who engaged in the public practice of geoscience, used the title “licensed professional geoscientist” or “P.G.,” or took responsible charge of a government geoscientific report. A corporation or firm engaged in the public practice of

geoscience would have to employ a licensed geoscientist with supervisory control over the geoscientific work. Exemptions to the license requirement would include:

- ! work performed under the supervision of a licensed geoscientist;
- ! work performed as part of the duties of an officer or employee of the United States;
- ! energy resource and mineral exploration performed exclusively for private industry;
- ! research conducted for government studies other than taking responsible charge for the study itself;
- ! geoscience teaching;
- ! other physical or natural science work that did not include the planning and execution of a geoscientific investigation, responsible charge for geoscientific work, or geoscientific conclusions;
- ! work performed by an archaeologist, geoscientist, or other person conducting a stratigraphic or historical geological investigation for archaeological purposes;
- ! consideration of evidence in administrative hearings; and
- ! on-site evaluations of sewage facilities by certified evaluators.

CSSB 129 would not authorize licensed geoscientists to practice professional surveying or engineering. A licensed engineer could perform work that was both engineering and geoscience without a geoscientist license. A qualified and registered surveyor would not need a geoscientist license to practice professional surveying. The board would have to cooperate with the Texas Board of Professional Engineers regarding rules that apply to the two professions.

Licensees who violated board rules would be subject to an administrative penalty of up to \$100 for each violation. Complaints and investigations involving the unlicensed practice of geosciences by a person licensed as an engineer, surveyor, or member of another similar profession would be referred to the agency that issued the license to that person.

Board members would serve staggered six-year terms, with three terms expiring on February 1 of each odd-numbered year. The board would have to meet at least twice each year. The board would be subject to the Texas Sunset

Act and would be abolished September 1, 2011, unless continued by the Legislature.

CSSB 129 contains standard state board provisions for establishing license and examination criteria, complaint procedures, a code of conduct, an intra-agency career ladder program, equal employment opportunity, training for board members, and programs for public participation in board hearings. Standard state requirements for board membership and financial reporting also would apply.

The Board of Professional Geoscientists would be added to the list of entities whose members would be subject to license suspension for failure to pay child support according to the Family Code.

CSSB 129 would take effect September 1, 1999, but the license requirement and administrative penalties for violations would not take effect until January 1, 2001. The board would have to hold its first meeting not later than January 1, 2000, and would have to adopt rules not later than November 30, 2000.

NOTES:

The committee substitute differs from the Senate-passed version of the bill in the following respects:

- ! No criminal penalty for violations;
- ! A lowered administrative penalty from \$3,000 to \$100 per violation;
- ! Limiting the definition of geoscience to four specific disciplines;
- ! Adding the reference to license suspension for failure to pay child support;
- ! Permissible rather than required reciprocity for people licensed in other jurisdictions;
- ! Exempting work performed on stratigraphic or historical geological investigations for archaeological purposes; and
- ! Minor clarifying changes to language and organization.

The companion bill, HB 34 by Goolsby, identical to the Senate-passed version of SB 129, was placed on the House General State Calendar on May 13, and laid on the table subject to call.