

- SUBJECT:** Creating the Texas Board of Professional Geoscientists
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 7 ayes — Wilson, Yarbrough, Goolsby, Haggerty, D. Jones, Palmer, A. Reyna
0 nays
2 absent — Flores, J. Moreno
- WITNESSES:** 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:** CSHB 34 would create the Texas Board of Professional Geoscientists. The bill would define “geoscience” to include geology, geophysics, soil science, physical geography, and other disciplines.
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;
- consideration of evidence in administrative hearings; and
- on-site evaluations of sewerage facilities by certified evaluators.

CSHB 34 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.

A violation of the license requirement, use of another geoscientist's license, misrepresentation in obtaining a license, or any other violation would be a Class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000.

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.

CSHB 34 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.

CSHB 34 would take effect September 1, 1999, but the license requirement and 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 companion bill, SB 129 by Brown, was reported favorably as substituted by the Senate State Affairs Committee on May 10 and has been recommended for the Senate Local and Uncontested Calendar.