

TEXAS GEOSCIENCE COUNCIL



Texas Board of Professional Geoscientists Sunset Review: What a Long Strange Trip it Has Been

www.txgeoscience.org

*Trusty Branch, G.I.T.
Vice President, Gehrig, Inc.
Chair, AEG Texas Chapter
Interim Executive Director, Texas Geoscience Council*

THANK YOU!



COLLEAGUES
HELPING
COLLEAGUES

PRESENTATION OUTLINE

- *P.G. Licensure in Texas*
- *Texas Geoscience Council*
- *First T.B.P.G. Sunset Review*
- *Lessons Learned - Be Prepared!*

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TEXAS P.G. HISTORY

- 2001 – *Passing of Senate Bill 405, 77th Legislature*
- 2003 – *Texas Geoscience Practice Act, effective September 1.*

TBPG Mission

The mission of the Texas Board of Professional Geoscientists is to protect public health, safety, welfare, and the state's natural resources by ensuring only qualified persons carry out the public practice of geoscience and enforcing the Code of Professional Conduct the Board has established for its licensees.

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T.B.P.G. MISSION

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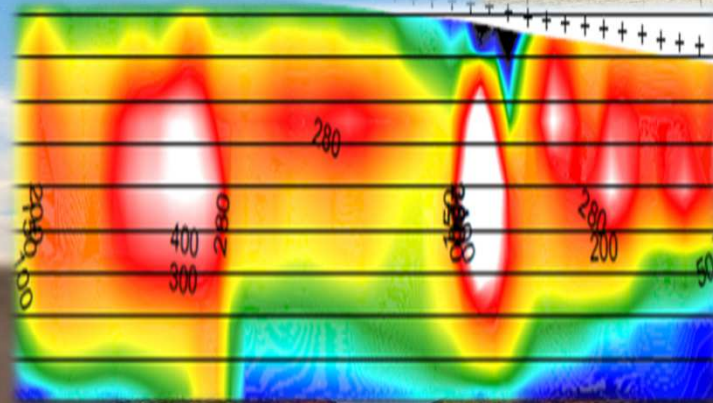
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TEXAS P.G. LICENSE

- *Includes 3 disciplines:*
 - *Geology*
 - *Geophysics*
 - *Soil Science*



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TEXAS P.G. REQUIREMENTS



- *Education:*
 - 30 hours geoscience
- *Examination:*
 - ASBOG
 - Geophysics
 - CSSE
- *Experience*
 - 5 years

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The logo for the Texas Geoscience Council, featuring a stylized map of Texas in orange and yellow, positioned below the text "TEXAS GEOSCIENCE COUNCIL".

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GRANDFATHERED P.G.s

- *2001 to 2003 – 6,684 P.G.s grandfathered without examination*
- *2018 – 3,036 grandfathered P.G.s remaining*



2019 TEXAS P.G. COUNT

Geology - 3,249

Geophysics- 339

Soil Science- 102

Total = 3,690



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Source: TBPG April 30, 2019

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GEOSCIENTIST-IN-TRAINING (2010)

- *Requirements:*
 - *Education*
 - *Examination*
 - *ASBOG or CSSE F.G.*
 - *TX Geophysics*
 - *Reference*
 - *Fee*



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REGISTERED GEOSCIENCE FIRMS

- *Performing public practice of geoscience.*
- *Identify “authorized official of the Firm”.*
- *Officer or Principal is P.G. and geoscientific work performed under supervision of a P.G.*
- *Identify business model.*
- *Secretary of State registration (or Assumed Name Certificate).*
- *PG supervising work must be employee.*

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MEMORANDUM OF UNDERSTANDING/ MEMORANDUM OF AGREEMENT

- *TX Board of Professional Engineers*
- *TX Board of Architectural Examiners*
- *TX Board of Professional Land Surveying*
- *TX Commission on Environmental Quality*
- *Texas Department of Transportation*
- *Texas Water Development Board*
- *Railroad Commission of Texas*

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TBPG / TBPE MOU (2010)

- *Neither profession may practice unlicensed non-exempt engineering or geoscience.*
- *Each profession is regulated by its own Board.*
- *Professional services that are both engineering and geoscience may be performed by licensed individuals and registered firms of either profession.*
- *Work must be signed and sealed by P.E. or P.G. that performs the work.*

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EXEMPT GEOSCIENCE ACTIVITIES

- *Work as assistant under a PG who is in responsible charge and seals work.*
- *Work for federal government.*
- *Scientific research.*
- *Teaching.*
- *Non-public (work for one's own purposes).*
- *Testify or prepare court exhibits.*
- *Work performed under another license.*

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OIL & GAS EXEMPTION

“Geoscientific work performed exclusively in exploring for and developing oil, gas, or other energy resources, base metals, or precious or nonprecious minerals, including sand, gravel, or aggregate, if the work is done in and for the benefit of private industry.”

**Important assumption – work does not impact public health, safety and welfare.*

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***AND NOW FOR SOMETHING
COMPLETELY DIFFERENT...***



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TEXAS SUNSET ADVISORY COMMISSION (TSAC) REVIEW

- *Every State Agency, Board, Commission, or other entity, has built-in expiration date.*
- *Every State entity goes through periodic “Sunset Review” to determine if the agency is still needed.*
- *Texas Board of Professional Geoscientists just went through **first** sunset review since inception.*

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TSAC STAFF REPORT

Staff Report issued August 2, 2018

Recommendation:

Abolish the Texas Board of Professional Geoscientists and PG Licensure



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RAMIFICATIONS

- *Qualified geoscientists no longer in responsible charge of work requiring the identification of geological factors related to private and public sector engineering projects (a primary driver for SB405).*
- *Lowers the standard of care in the industry, increasing risk to human health and safety.*
- *Encourages influx of licensed P.G.s from other states who are unfamiliar with the geology of Texas.*
- *Encourages exodus of experienced, qualified geoscientists to states that recognize the value of licensure.*

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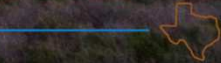


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CREATION OF THE TEXAS GEOSCIENCE COUNCIL

- *501 (c) (6) entity.*
- *Hired lobbyist to educate legislators & garner support for extending TBPG.*
- *Soliciting contributions from individuals and firms (www.txgeoscience.org).*

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TSAC PUBLIC HEARING

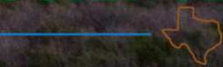
- Held on August 30, 2018
- Public Testimony was almost 100% for keeping the TBPG and PG licensure intact



LIES, DAMN LIES, AND STATISTICS...



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TSAC DECISION HEARING

November 14-15, 2018

*TSAC DID NOT ACCEPT Staff Report
Recommendation*

*Legislative action is now required to prevent the
TBPG from expiring on Sept. 1, 2019*

- Senator(s) and Representative(s) must author/sponsor
companion bills to extend TBPG expiration date*

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LEGISLATIVE TIMELINE

HB 1311
Filed
2/4/19

House Vote
4/4/19
(121/16)

Senate
Vote
5/1/19
(30/1)

House LAP
Committee
Hearing
3/12/19

Senate Bus
& Comm
Committee
4/23/19

Filed w/o
Action
from
Governor
5/14/19

HB 1311 Effective on September 1, 2019

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TURNING POINT

THE TEXAS SENATE

STREAMING VIDEO PLAYER



“You are dealing with stuff down below the ground that can have huge impacts if it is done improperly.”

Senator Robert Nichols (R)
District 3

Committee on Business & Commerce

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CHANGES IN A NUTSHELL

- Standardize processes and improve transparency
- Governor shall designate TBPG Chair
- Changes in TBPG member training requirements
- Immunity for technical advisors
- P.G./G.I.T. application references not required
- Firm registration may go away
- Big increase in maximum penalties (\$1,500/day)
- Continue TBPG for six years

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LESSONS LEARNED

- All licensure is currently under threat around the nation (TX plumbers gone as of 9/1/19)
- Line in the Sand
- Institute for Justice and Texas Public Policy Foundation
- Texas Tea Party (16 votes against us in House)
- We must be ready for the next legislative session!

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A tall, lattice-structured metal windmill stands in a field of dry grass and shrubs. The sky is a vibrant mix of orange, yellow, and blue, indicating a sunset or sunrise. The windmill's blades are dark against the bright sky.

Thank You!

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