

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on January 25, 1996 in Room 521-S of the Capitol.

All members were present except: All Present

Committee staff present: Jim Wilson, Revisor of Statutes
Dennis Hodgins,
Carolyn Rampey, Legislative Research Department
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: William Bryson, KS Geological Society, Lawrence Paul Gunzelman, KS Geological Society, Wichita Robert Vincent, Ground Water Associates, Wichita Charles Brewer, Geotechnical Services Inc. Jon Callen, Edmiston Oil Company, Inc. Lee Gerhard, Director, Kansas Geological Survey George Barbee, Kansas Consulting Engineers Don Schnacke, KS Independent Oil and Gas Doyle Fair, Geological Consultant Betty Rose, Board of Technical Professions

Others attending: See attached list

Hearing on: **HB 2471: regarding the licensing and regulation of the practice of geology as a technical profession**

Madam Chair Dawson recognized Carolyn Rampey and asked for a briefing and history of the bill. Ms. Rampey noted that this bill would bring the field of geology and geologists into the same category for regulation as architects, land architects, engineers and land surveyors.

William Bryson was recognized by the Chair and testified as a proponent of the bill. He stated that licensing for geologists is required in over 20 states and that Kansas should be a state that recognizes geology as a state regulated profession because it has an impact on the health and welfare of the people. See Attachment 1.

Madam Chairman Dawson explained handouts provided by Betty Rose and the financial impact this change would have on the Department. See Attachment 2.

The Chair recognized Paul Gunzelman as a proponent of the bill. He testified that this legislation is needed to ensure the safety and adequate public health in the geological applications. See Attachment 3.

Robert Vincent was recognized as a proponent of the bill. Mr. Vincent testified that problems with Kansas water have occurred in which it has taken the knowledge and expertise of licensed geologists to correct the problem. See Attachment 4.

Charles Brewer was acknowledged by Madam Chairman Dawson as a proponent of the bill. Mr. Brewer testified that a professional engineer must sign off on work that requires a signature from a licensed professional. Having licensed geologists would allow them to sign their own reports excluding the cost of this licensed engineer to read their report and sign for them thus, reducing costs. See Attachment 5.

The Chair acknowledged Jon Callen, a proponent of the bill. Mr. Callen testified that geologists make decisions and direct work that can have an impact on the public health, welfare and safety of the public. His business works extensively with groundwater resources and environmental remediation. See Attachment 6.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, ROOM 521-S Statehouse at 9:00 a.m. on January 25, 1996.

Lee Gerhard was recognized as a proponent of the bill. He testified that geologists play an important role in environmental and water issues in Kansas and that the public interest demands that standards be set by the State. Attachment 7.

Madam Chairman Dawson recognized George Barbee as a proponent of the bill. Mr. Barbee testified that the geologists and engineering organizations met over the summer to negotiate an agreement to the licensing of geologists. See Attachment 8.

The Chair advised the Committee that William Henry, Executive Vice-President of the Kansas Board of Technical Professions, had provided written testimony for favorable passage of the bill. See Attachment 9.

Don Schnacke was acknowledged by Madam Chairman Dawson as a proponent of the bill. Mr. Schnacke testified to the need for qualified geologists in the State of Kansas. See Attachment 10.

Madam Chairman Dawson recognized Doyle Fair, an opponent of the bill. Mr. Fair testified that a written examination should be included as part of licensing for geologists. For more information about his testimony, see Attachment 11.

The Chair asked Betty Rose to appear before the Committee to answer questions of the Committee. Her informational documentation is in Attachment 2.

The hearing on HB 2471 was closed.

Madam Chairman Dawson adjourned the meeting at 9:45 a.m. with the next meeting scheduled for January 30, 1996 in Room 512-S of the Capitol.

GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE GUEST LIST

DATE: January 25, 1996

NAME	REPRESENTING
Robert L. Vincent	Ground Water Associates, Inc.
Barbara J. Smith	Association of Engineering Geologists
Michael D. Kelly	Kansas Society of Land Surveyors
Paul M. Gunzelman	Kansas Geological Society
Charles Biewer	Geotechnical Services Inc.
Betty Rose	Bd of Tech. Professions
Trudy ARON	Amer Institute of Architects
George Barbee	KCS Cons. Engrs
Jon Callen	Self
Bill Bryson	Kansas Geol. Soc.
TED FREERS	TANK MANAGEMENT SERVICES
Lee G. Kimmel	KANSAS GEOLOGICAL SURVEY
Lawrence Brady	Kansas Geol. Survey
Boyle Fair	Self
Carl Wilken	KCS
Helen Stephens	Ks. Society of ^{Land} Surveyors
Don Schwaack	KIOGA -

TESTIMONY
of
William R. Bryson

HOUSE BILL 2471
before
House Governmental Organization and Election Committee

January 25, 1996

Madam Chairwoman, members of the Committee, I am William R. Bryson. I am appearing before you this morning representing the Kansas Geological Society and Library, Wichita, Kansas and as a practicing geologist. I am appearing in support of HB2471.

The issue of licensing geologists may be unfamiliar to some of you so I believe a brief history of past efforts to license geologists in Kansas and in other states may provide some insight into why we believe licensing is necessary and the correct approach to provide needed professional standing in the field. My initial involvement with an effort to enact a geologists licensing program in Kansas occurred as far back as the early 1970's. Because there were such diverse views at that time among geologists over the merits of licensing, there was no real opportunity to progress past the initial discussion stage. In the 1960-1975 period, only California has a geologists licensing program. In 1980, the Kansas Legislature did include a definition of "geologist" during passage of the Mined Land Conservation and Reclamation Act. House Bill 2471 provides a more complete definition of geology and geologist on pages 3 and 4 and conforms the definition within the format as used in KSA 74-7003 to describe other licensed professions.

The licensing or registration of geologists is now required in over 20 states. The latest states to enact licensing for geologists are Alabama and Missouri. A map of states and status of licensing is attached. Kansas, which would have been one of the first states to recognize the field of geology as one having this level of professional importance and whose decisions impact on public health and the environment is now in the position of trying to catch up with the mainstream in proper recognition of the geologic discipline. The recognition that geologic

interpretations form the very basis for proper design of many engineering structures, for cost effective groundwater monitoring systems in remediation projects and the selection of proper waste injection zones in deep industrial waste disposal wells has taken a long time to evolve. The recognition of proper and correct geologic application as being critical to the success or failure of subsurface oriented environmental projects has become critical over the last ten years because of environmental laws such as RCRA, Superfund and the desire of the national level to have integrated groundwater protection strategies. In retrospect, geologists should have been licensed when geologic interpretation became recognized as an integral and necessary part of the myriad engineering projects which affect public health and the environment.

In 1993, House Bill 2496 was introduced and subsequently received interim hearing by this committee on October 20, 1993. The two major engineering organizations, the Kansas Engineering Society (KES) and the Kansas Association of Consulting Engineers (KACE) appeared and expressed concerns over certain measures in that bill. No action was taken by the Committee, however, we were counseled by the Chair of this Committee at that time, to see if we could resolve some of the conflicts with the professional engineering community.

An effort was made through a couple of sessions in the summer of 1995 with KES and KACE to resolve differences in HB2471 after its introduction in 1995. This effort was successful and I wish to thank George Barbee and Bill Henry for their assistance in accomplishing this. Attached to my written testimony is a balloon of those pages of HB2471 which sets forth amendments we would like for the Committee to favorably consider because they represent language changes developed as result of agreement with the engineering community. Substantial changes other than the ones relating to effective dates and membership to the Board of Technical Professions, articulate the need to recognize that geology and engineering are often companion disciplines when working out practical problems. The suggested amendments to HB2471 represents our collective best effort at delineating what should be engineering and geologic functions.

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment 1-2

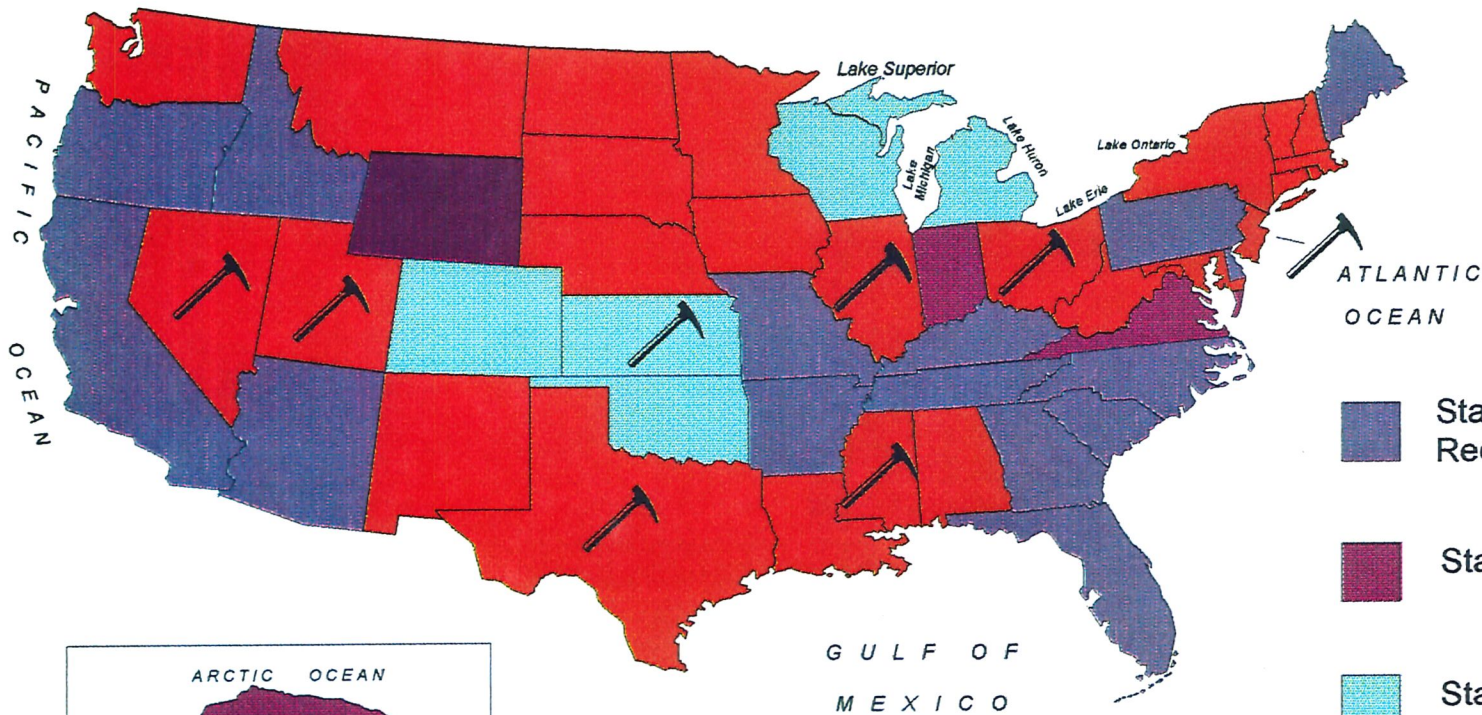
I have also included a copy of our best estimate at what the cost of the program would be during the initial year after passage of the act and projections into future years. The program is intended to be fully fee supported and it is our understanding that the Board of Technical Professions is responsible for maintaining each licensing program as a financially self-supporting effort. Most states involved in passing geologist licensing programs in the last ten years have discovered that they underestimated the number of potential licensees and actually had a higher level of financial support for the program.

Your agenda today includes several conferees appearing after me who will explain the need for Kansas to have qualified licensed geologists on projects, so I won't try to duplicate what they might have to say. I do have one brief example: In the spring of 1995, there were two homes in the Overland Park area which collapsed after periods of heavy rains due to slope stability. Planners and developers who were involved may have not known of geology or sought the services of a qualified geologist who could have correctly described the site geology and potential hazards.

I believe the licensing or registration of geologists is important and gives the citizens of the State of Kansas assurances of having qualified professionals. Environmental laws dealing with groundwater quality protection and cleanup will continue to be passed with more sophisticated requirements and most of those hinge on well conceived geologic investigations.

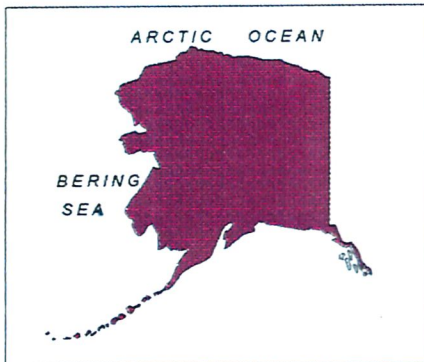
I thank you for this opportunity to appear in support of passage of HB2471. I will also be happy to answer any questions you might have now or at the appropriate time.

STATUS OF LICENSING FOR GEOLOGISTS



-  States With Registration Requirements
-  States With Certification
-  States with Definition of Geologists
-  States Continuing Legislation Activity

HOUSE GOVT ORG & ELECTIONS
 January 25, 1996
 Attachment 1-4



PROPOSED GEOLOGICAL LICENSING BILL
INCOME VS. EXPENSES

BUDGET # 1

ASSUMPTIONS:

1000 GEOLOGISTS REGISTER 1ST YEAR
\$95 - APPLICATION FEE
\$60 - RENEWAL FEE
NEW APPLICATIONS EQUALS # MEMBERS NOT RENEWING
EXPENSES (EXCEPT FOR BOARD) ESCALATED AT 4 % PER YEAR

	1996	1997	1998	1999
INCOME	\$95,000	\$60,000	\$60,000	\$60,000
EXPENSES				
SUPPORT STAFF	\$23,400	\$24,336	\$25,310	\$26,322
OFFICE OVERHEAD	\$24,000	\$24,960	\$25,956	\$27,000
BOARD EXPENSES & TRAVEL	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
TOTAL EXPENSES	\$50,400	\$52,296	\$54,266	\$56,322

BUDGET # 2

ASSUMPTIONS:

1500 GEOLOGISTS REGISTER 1ST YEAR
\$95 - APPLICATION FEE
\$60 - RENEWAL FEE
NEW APPLICATIONS EQUALS # MEMBERS NOT RENEWING
EXPENSES (EXCEPT FOR BOARD) ESCALATED AT 4 % PER YEAR

	1996	1997	1998	1999
INCOME	\$142,500	\$90,000	\$90,000	\$90,000
EXPENSES				
SUPPORT STAFF	\$23,400	\$24,336	\$25,310	\$26,322
OFFICE OVERHEAD	\$24,000	\$24,960	\$25,956	\$27,000
BOARD EXPENSES & TRAVEL	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
TOTAL EXPENSES	\$50,400	\$52,296	\$54,266	\$56,322

1 tice of geology and who is licensed by the board.

2 (o) "Practice of geology" means:

3 (1) The performing of professional services such as consultation, in-
4 vestigation, evaluation, planning or mapping, or inspection, or the re-
5 sponsible supervision thereof, in connection with the treatment of the
6 earth and its origin and history, in general; the investigation of the earth's
7 constituent rocks, minerals, solids, fluids including surface and under-
8 ground waters, gases and other materials; and the study of the natural
9 agents, forces and processes which cause changes in the earth;

10 (2) the teaching of geology in a college or university offering an ap-
11 proved geology curriculum of four years or more by a person who meets
12 the qualifications for education and experience prescribed by section 7;
13 or

14 (3) representation in connection with contracts entered into between
15 clients and others and the preparation and certification of any geological
16 information on ~~plans and maps~~ insofar as it involves safeguarding life,
17 health or property.

in reports and on

18 Sec. 2. K.S.A. 74-7004 is hereby amended to read as follows: 74-
19 7004. For the purpose of administering the provisions of this act and in
20 order to establish and maintain a high standard of integrity, skills and
21 practice in the technical professions and to safeguard the life, health,
22 property and welfare of the public, the governor shall appoint a state
23 board of technical professions consisting of nine members there is hereby
24 established the state board of technical professions. The board shall consist
25 of 18 members, ~~15 of whom shall be appointed by the governor.~~ At least

14

26 30 days prior to the expiration of any term of any appointed member
27 other than that of the member appointed from the general public, pro-
28 fessional societies and associations which are respectively representative
29 of each branch of the technical professions may submit to the governor
30 a list of three or more names of persons of recognized ability who have
31 the qualifications prescribed for board members for appointment from
32 that branch of the technical professions. The governor shall consider the
33 list of persons in making the appointment to the board. In case of a
34 vacancy in the membership of the board, other than that of the member
35 appointed from the general public, for any reason other than the expli-
36 ration of a term of office, the governor shall appoint a qualified successor
37 to fill the unexpired term. In making the appointment the governor shall
38 give consideration to the list of persons last submitted.

39 Sec. 3. K.S.A. 74-7005 is hereby amended to read as follows: 74-
40 7005. (a) Membership of the board shall be as follows:

41 (1) Four members shall have been engaged in the practice of engi-
42 neering for at least eight years and shall be licensed engineers. At least
43 one of such members shall be engaged in private practice as an engineer.

1 At least one of such members shall also be licensed as a land surveyor, as
2 well as a licensed engineer.

3 (2) Two members shall have been engaged in the practice of land
4 surveying for at least eight years and shall be licensed land surveyors.

5 (3) Three members shall be licensed architects of recognized stand-
6 ing and shall have been engaged in the practice of the profession of ar-
7 chitecture for at least eight years, which practice shall include responsible
8 charge of architectural work as principal.

9 (4) One member shall be a licensed landscape architect and shall have
10 been engaged in the practice of landscape architecture for at least eight
11 years, which practice shall include responsible charge of landscape ar-
12 chitectural work as principal.

13 ~~(5) Three members shall be engaged in the practice of geology and,~~
14 ~~on and after January 1, 1996, shall be licensed geologists. One such mem-~~
15 ~~ber shall be the state geologist and at least one such member shall be~~
16 ~~engaged in the private practice of geology.~~

One
delete

17 (6) Three members shall be from the general public of this state.

18 (b) Each member of the board shall be a citizen of the United States
19 and a resident of this state.

20 (c) The amendments to this section shall not be applicable to any
21 member of the board who was appointed to the board and qualified for
22 such appointment under this section prior to the effective date of this act.

23 Sec. 4. K.S.A. 74-7006 is hereby amended to read as follows: 74-
24 7006. (a) Whenever a vacancy shall occur occurs in the membership of
25 the board by reason of the expiration of a term of office, the governor
26 shall appoint a successor of like qualifications. Subject to the provisions
27 of subsection (b), all appointments shall be for a term terms of four years,
28 but no member shall be appointed for more than three successive four-
29 year terms. The term of each member first appointed after January 1,
30 1993;

31 (b) For the purpose of computing the length of the term of such
32 member, a member:

33 (1) The term of each member first appointed after January 1, 1994,
34 to fill a vacancy created by expiration of a member's term shall commence
35 on the first calendar day subsequent to the day of expiration of the pre-
36 ceding term, regardless of when the appointment is made, and shall end
37 on June 30 of the fourth year of the member's term for those members
38 whose terms commence on July 1, or on June 30 following the third full
39 year of the member's term for those members whose terms commence
40 on January 1.

41 ~~(2) Of the members appointed pursuant to subsection (a)(6) of K.S.A.~~
42 ~~74-7005 and amendments thereto, the term of one shall end on June 30~~
43 ~~following the third full year of the member's term and the term of one~~

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment 1-7

1 ~~shall end on June 30 following the second full year of the member's term,~~
 2 ~~as designated by the governor.~~

3 (3) Thereafter, for the purpose of computing the length of term of a
 4 member of the board, the terms of members appointed to the board shall
 5 commence on the July 1 immediately following the day of expiration of
 6 the preceding term, regardless of when the appointment is made, and
 7 shall expire on June 30 of the fourth year of the member's term.

8 (c) Each member shall serve until a successor is appointed and qual-
 9 ified. Whenever a vacancy shall occur in the membership of the board
 10 for any reason other than the expiration of a member's term of office, the
 11 governor shall appoint a successor of like qualifications to fill the unex-
 12 pired term.

13 (d) The governor may remove any member of the board for miscon-
 14 duct, incompetency, neglect of duty, or for any other sufficient cause.

15 Sec. 5. K.S.A. 74-7007 is hereby amended to read as follows: 74-
 16 7007. The board shall organize annually at its first meeting subsequent
 17 to July 1, and shall select a chairperson, vice-chairperson, and secretary
 18 from its own membership. The secretary shall be the custodian of the
 19 common seal, the books and records of the board, and shall keep minutes
 20 of all board proceedings. The chairperson and secretary shall have the
 21 power to administer oaths pertaining to the business of the board. The
 22 board shall have a common seal and shall formulate rules to govern its
 23 actions. Each member of the board shall take and subscribe the oaths
 24 prescribed by law for state officers. The oaths provided for herein shall
 25 be filed in the office of the secretary of state. The board shall hold an
 26 annual meeting and such additional meetings as the board may designate.
 27 ~~Five (5) members~~ shall constitute a quorum for the transaction of
 28 business.

29 Sec. 6. K.S.A. 74-7013 is hereby amended to read as follows: 74-
 30 7013. (a) The board may adopt all bylaws and rules and regulations, in-
 31 cluding rules of professional conduct, which are necessary for perform-
 32 ance of its powers, duties and functions in the administration of this act.

33 (b) Subject to the provisions of subsection (c), it shall be the respon-
 34 sibility of the member or members of the board who hold a license to
 35 practice the profession for which an applicant seeks to be licensed, to
 36 provide and have graded any examination required by this act to be taken
 37 by such applicant.

38 (c) ⁷ Before January 1, 1997, it shall be the responsibility of the mem-
 39 bers of the board described in subsection (a)(5) of K.S.A. 74-7005 and
 40 amendments thereto to provide and have graded any examination re-
 41 quired by this act to be taken by an applicant for licensure to practice
 42 geology.

43 New Sec. 7. Minimum qualifications of applicants seeking licensure

Eight (8).

1997

1 as geologists are the following:

2 (a) Graduation from a course of study in geology, or from a program
3 which is of four or more years' duration and which includes at least 30
4 semester or 45 quarter hours of credit with a major in geology or a geology
5 specialty, that is adequate in its preparation of students for the practice
6 of geology;

7 (b) proof of at least four years of experience in geology of a character
8 satisfactory to the board, as defined by rules and regulations of the board;
9 and

10 (c) the satisfactory passage of such examinations in the fundamentals
11 of geology and in geologic practice as utilized by the board.

12 New Sec. 8. The provisions of this act requiring licensure or the is-
13 suance of a certificate of authorization under K.S.A. 74-7036 and amend-
14 ments thereto to engage in the practice of geology shall not be construed
15 to prevent or to affect:

16 (a) The practice of geology by any person before July 1, 1996.

1997

17 (b) The performance of geological work which is exclusively in the
18 exploration for and development of energy resources and economic min-
19 erals and which does not have a substantial impact upon the public health,
20 safety and welfare, as determined pursuant to rules and regulations
21 adopted by the board, nor require the submission of reports or documents
22 to public agencies.

,geologic data for engineering purposes,

23 (c) The acquisition of engineering data and the utilization of such
24 data in ~~analysis, design and construction~~ by licensed professional engi-
25 neers.

26 (d) Performance of work customarily performed by graduate physical
27 or natural scientists, if such work does not include: (1) The design and
28 execution of geologic investigations; (2) the independent control and di-
29 rection, by use of initiative, skill and independent judgment, of geologic
30 work or the supervision of such work; or (3) the drawing of geologic
31 conclusions and recommendations in a way that significantly affects the
32 public health, safety or welfare.

33 New Sec. 9. (a) Subject to the provisions of subsection (b), a person
34 who applies for licensure as a geologist before July 1, 1996, shall be con-
35 sidered to be qualified for licensure, without further written examination,
36 if the person has:

7

37 (1) Experience consisting of a minimum of four years of professional
38 practice in geology or a specialty thereof, of a character acceptable to the
39 board; and

40 (2) (A) graduated from an accredited institution of higher education
41 with a bachelor of science or bachelor of arts or higher degree, with a
42 major in geology; or

43 (B) graduated from an accredited institution of higher education in

1 a four-year academic degree program other than geology, but with 30
2 semester hours or 45 quarter hours of credit in geology.

3 (b) A person who meets the qualifications of subsection (a) may, in
4 the discretion of the board, be required to take and pass an examination
5 as required by this act if the person is not engaged in the practice of
6 geology on July 1, 1995, and has not engaged in the practice of geology
7 for at least four of the eight years immediately preceding July 1, 1995.

8 (c) Upon application, a person who is licensed, registered or certified
9 as a geologist in another state having standards at least equal to those
10 required for licensure as a geologist pursuant to this act may be issued a
11 license as a geologist pursuant to this act.

12 (d) On and after January 1, 1996, and before January 1, 1997, upon
13 application, a person who holds a valid certification from the American
14 institute of professional geologists or the division of professional affairs
15 of the American association of petroleum geologists may be issued a li-
16 cense as a geologist pursuant to this act.

17 Sec. 10. K.S.A. 74-7003, 74-7004, 74-7005, 74-7006, 74-7007 and 74-
18 7013 are hereby repealed.

19 Sec. 11. This act shall take effect and be in force from and after its
20 publication in the statute book.

1996

1997

1997

1998

INCOME NEEDED TO COVER GEOLOGISTS EXPENSES

Total first year expenses	\$47,036
Plus 20% for state fund	<u>11,759</u>
Total Income Needed	\$58,795

784 applications X \$75.00 = \$58,800 or
1,176 applications X \$50.00 = \$58,800 or
2,352 applications X \$25.00 = \$58,800
+ \$325/per person
for exam costs

Total subsequent year expenses	\$26,775
Plus 20% for state fund	<u>6,694</u>
Income needed thereafter	\$33,469

670 renewals needed to meet annual cost of \$33,469

(670 X \$50 = \$33,500)

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
NUMBER OF CURRENT LICENSEES
AS OF 12/95

		<u>Resident</u>	<u>Non-Resident</u>
ENGINEERS	8,242	69%	3,909
ARCHITECTS	2,390	20%	990
LAND SURVEYORS	899	8%	622
LANDSCAPE ARCHITECTS	402	3%	143
TOTAL CURRENT LICENSEES	<u>11,933</u>	100%	<u>5,664</u>
EIT'S	<u>11,976</u>		
Total with EIT'S	23,909		

CORPORATIONS:

ENGINEERING	281	150	131
ARCHITECTURE	154	91	63
LAND SURVEYING	76	58	18
LANDSCAPE ARCHITECTURE	14	11	3
TOTAL	<u>525</u>	<u>310</u>	<u>215</u>

NUMBER OF LICENSES EVER ISSUED

(These numbers are important since the board must keep records on these individuals since they may wish to reinstate, or the board may be requested to verify examination records to another jurisdiction).

INDIVIDUAL LICENSES:

ENGINEERING	13,884
ARCHITECTURE	4,049
LAND SURVEYING	1,233
LANDSCAPE ARCHITECTURE	584
EIT'S	11,976
TOTAL	<u>31,726</u>

CORPORATIONS:

ENGINEERING	422
ARCHITECTURE	228
LAND SURVEYING	87
LANDSCAPE ARCHITECTURE	21
TOTAL	<u>758</u>

Licensure and Regulation of Geologists
House Bill No. 2471 - Fiscal Note

1. New position \$17,688

Office Assistant II \$14,688
Associated Fringe Benefits 3,000

Related costs for new position: \$ 2,250

- Desk/Furniture \$ 550
- Computer terminal 1,500
- Phone 100
- 1 File cabinet 100

2. Board member costs:

Annual estimated expenditures for one (1) \$ 2,273/
board member per board
member

- Salaries & Wages \$ 456
 (12 days of meetings @ \$38.00)
- Postage (6 meetings @ \$3.00) 18
- Travel 696
 (6 meetings at 200 miles each
 way @ .29¢/mile)
 Subsistence In-State (6 nights) 492
 One out of state trip would be 611
 airfare avg. = \$338
 motel at 105 X 2 nights = \$210
 9 quarters at 7.00/quarter = \$63

3. Computer programming: \$ 1,000

10 hours @ \$100/hr.

Modification to the current computer system

4. Lump-sum Examination costs - (1st yr.) \$21,000

- One-time exam access fee \$18,000
- ASBOG membership fee 3,000

5. Miscellaneous Office Expenses: \$ 2,825

- Postage \$2,100
- Printing 725

Sub-total lump-sum costs = \$47,036

+

PLUS AN EXAM COST OF

\$325/PER
PERSON

House Bill No. 2471 - Fiscal Note
Continued Subsequent year costs

1. <u>Continued staff position:</u>		<u>\$18,202</u>
	Office Assistant II	\$15,202
	Associated Fringe Benefits	3,000
2. <u>Annual board member cost:</u>		<u>\$ 2,273</u>
	Annual estimated expenditures for one board member	
	- Salaries & Wages	
	(12 days of meetings @ \$38.00)	\$ 456
	- Postage (6 meetings @ \$3.00)	18
	- Travel	
	(6 meetings at 200 miles each way @ .29¢/mile)	696
	Subsistence In-State (6 nights)	492
	One out of state trip would be	611
	airfare avg. = \$338	
	motel at 105 X 2 nights = \$210	
	9 quarters at 7.00/quarter = \$63	
3. <u>Examination costs:</u>		<u>\$ 5,300</u>
	- Annual ASBOG membership fee	\$ 3,000
	- Room rental	2,000
	- Freight, delivery & office supplies	300
4. <u>Office Expenses:</u>		<u>\$ 1,000</u>
	- Postage	\$ 600
	- Printing	400
	Sub-Total Lump-sum costs	<u>\$26,775</u>
	+	
<u>Exam cost per person:</u>		<u>\$ 325/</u> per exam candidate
<u>On-going biennial renewal fee</u>		<u>\$ 50/</u> per person



Kansas Geological Society & Library

212 N. Market, Suite 100
Wichita, Kansas 67202 • (316) 265-8676

TESTIMONY

by
Paul M. Gunzelman

before
House Governmental Organization and Elections Committee
January 25, 1996

Ms. Chairperson, members of the Committee, on behalf of the oldest and largest organization of geologists in the State of Kansas, I am appearing before you this morning in support of House Bill 2471. I am a geologist from Wichita and past-president of the Kansas Geological Society. The Kansas Geological Society was founded in 1923 and has over 800 members who practice in oil and gas exploration, environmental evaluation, water resource development, and mining. Our membership also includes geologists who are employed by several state agencies, and in the educational field. All active members in the Kansas Geological Society have attained at least a Baccalaureate degree in geology. Many have Masters or Doctorate degrees. A recent poll of our membership showed that 80% were in favor of starting a process which would set forth minimum standards for the practice of geology in the State of Kansas. We believe that HB 2471, as written, serves this purpose.

Kansas has both a definition of geologist and geology in the statutes under K.S.A. 49-403 u & v respectively. These definitions while serving as an acknowledgment of the profession and its performance, does not adequately address the current level of responsibility and accountability required of those working on geologic projects in this country and the State of Kansas. The potential level of liability assumed by a geologist engaged in environmental assessments and environmental remediation projects is much greater than it was ten or fifteen years ago when this legislature first recognized geology by definition. HB 2471 proposes a definition of geology which conforms with similar definitions of other professions and more completely describes the activities performed by geologists today.

House Bill 2471, as written contains the following key components:

- 1) Mandatory licensure of geologists whose professional actions in applying their practice, directly affects the public health, safety, and welfare.
- 2) Mandatory licensure of geologists whose practice is the geologic applications relating to environmental protection.

OFFICERS

Joseph E. Moreland Jr., President
Lawrence H. Skelton, President-Elect
Larry P. Friend, Treasurer
C. Scott Robinson, Secretary

DIRECTORS

Robert E. O'Dell
Kent G. Crisler
Martin K. Dubois

BUSINESS MANAGER

Tim Dugan

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 3-1

- 3) Exemption for those geologists whose practice does not affect the public's health, safety, and welfare, or environmental protection such as the normal course of geological applications used in the exploration for oil and gas.
- 4) A "Grandfather" period of one year which will allow qualified geologists to continue their practice and obtain a license without passing a test. The "Grandfather" clause is traditional in legislative measures where a new profession is brought under a licensure umbrella and has also been applied to professions currently licensed by the Kansas Board of Technical Professions.
- 5) A provision allowing reciprocity for geologists from other states who have similar strict requirements for licensure.
- 6) Representation of geologists on the Board of Technical Professions since the legislature has chosen by policy to use this vehicle rather than a separate Board for each technical profession.

The Kansas Geological Society supports HB 2471 because the complexities of geologic application needed to do principle work on projects which impact the public health or safety requires an increased level of qualification or set of standards for determining competency. Further, as the population increases, the need to safeguard the earth's ecosystems also increases. We laud this legislation as a necessary step to insure that only qualified people are in positions to make those assessments. We ask for passage of HB 2471.

A STATEMENT CONCERNING
HOUSE BILL 2471

Statement presented to: Rep. Carol Dawson, Chairwoman
House Governmental
Organization and Elections Committee
Topeka, Kansas
January 25, 1996

Statement presented by: Robert L. Vincent, CPG, PHG
Ground Water Geologist
Ground Water Associates, Inc.
Wichita, Kansas

Madam Chairwoman and members of the House Governmental Organization and Elections Committee:

In 1985 when I left my employer of 28 years to form a geological consulting firm, Ground Water Associates, I believed that a need existed for the practical application of geology and hydrology to the problems that were arising in the production of ground water, such as well yield loss, well interference, aquifer depletion and aquifer contamination. Too often poor quality water was being used when better quality was available, or costly, low capacity wells were being pumped when larger more efficient ones could be obtained. All of this has proved to be true, and my consulting company is extremely busy. In fact, I have assisted other geologists in entering the field since there is so much work to be done. Additionally, during the past eleven years, the environmental problems have simply exploded. And, where ground water is concerned, these all start with geology. For these reasons, I am here to testify in favor of House Bill No. 2471, which provides for the licensure and regulation of the practice of geology.

The citizens of Kansas need to know that there is a profession which can and will help them solve their water problems; a profession which is sanctioned and regulated by the State. The public interest will be better served if geologists are licensed at the state level and required to adhere to a high standard of professional conduct.

Let me provide you with four examples of situations which have occurred due to the lack of a sufficient geologic investigation being made. In none of the following examples was a geologist involved until after the problem existed.

(1) A rural water district in central Kansas went bankrupt due to the fact that they lost 30 percent of their users due to the poor quality water that was being delivered. The system had been designed to pump the high iron and manganese content water through a small water treatment plant, but due to changes in the water quality entering the plant, it failed.

When we became involved with them about seven years ago, we investigated and found a supply of good quality water in a different aquifer only two miles from their system. The board members of the district asked why they weren't informed about this source when the district was started ten years earlier. The answer of course, was that their advisers of ten years ago were not geologists and really did not understand the options available to them.

(2) A city in northcentral Kansas completed a new well with a well house in 1982. They were forced to abandon the whole installation in 1986 due to volatile organic chemical contamination. Why did this happen? - the well was sited in a risky location. Our statement to the city was that just a nominal geologic investigation would have discovered the potential for contamination at the site. We have since located other well sites for the city which are yielding good quality water from areas of very little contamination risk.

(3) A representative of a Missouri environmental firm called me from Salina inquiring about the geological conditions existing at a town in central Kansas. He had stopped in Salina because he thought some information concerning the ground water conditions at the subject town might be obtained from a local well driller. The driller was not familiar with the area and referred him to me. I suggested to the young man that he go back to Lawrence and obtain geologic information from the Kansas Geological Survey, study the data and then go to the subject town to begin the investigation of the volatile organic chemical contamination in the area.

Frankly, in my opinion, no professional would ever begin a project so unprepared.

(4) A rural water district in northeast Kansas had spent \$45,000 in two years attempting to rehabilitate two sand pumping deep wells that had been improperly designed and installed. Their advisors had told them that larger diameter bore holes could not be drilled in that area, and therefore the problem wells existed. Our investigation of the situation showed that properly designed wells could be installed. They were drilled and the problem was thus solved.

Other examples concerning numerous geologic problems could be

related, but it would make this testimony too long.

Over the past eleven years we have completed a lot of work in conjunction with many engineering firms. And, we have found this to be a good relationship for all parties involved, but particularly so for the client we are involved with. They receive the services of all the necessary disciplines on their projects. However, many projects are small, such as a property transaction, and may require only the initial geologic investigation. Other larger projects, such as ground water investigations, may be almost exclusively in the geologic realm. Therefore, the geologist needs to be in a position to be the responsible individual. Licensing of geologists will accomplish this matter.

In summary, I want to quote from a memorandum prepared by Mr. Peter H. Dohms, CPG, Pensacola, Florida concerning Protection of Public Health and Safety by Professional Geologists,

"The public practice of geology is evolving in much the same manner as engineering did during the first half of this century. The states and the members of the profession have come to recognize that the public interest is served if geologists are registered at the state level and required to adhere to a high standard of professional conduct. Examination of the situation suggests that virtually all states will require registration of geologists within the next ten to twenty years. In examination of requirements for both engineers and geologists in three example states (Arizona, California and Florida) it was learned that the requirements are essentially identical."

I will be pleased to answer questions concerning this testimony if there is time for it.



TESTIMONY
by
Charles A. Brewer, C.P.G.

HOUSE BILL 2471
before
House Governmental Organization and Elections Committee

January 25, 1996

Ms. Chairwoman, members of the Committee, I am Charles A. Brewer, Vice President and Regional Manager of Geotechnical Services, Inc. I am a practicing geologist and currently have 8 geologists and 10 engineers working directly for me in the environmental and geotechnical fields. I am appearing here in favor of the passage of House Bill 2471.

I have been working on the licensing of geologists for the State of Kansas for the last six years. I have put many hours into this effort and feel that licensing of geologists is very much needed in the State of Kansas. As I previously stated, I have under my direction a group of professionals, which include both geologists and engineers. These two groups work as a team in performing our day-to-day operations. As it stands now, the engineers are licensed in the State of Kansas, which I believe gives them more credibility with the public. I feel that it is just as important that the geologists have equal credibility with the public.

A majority of the work that my company performs is related to soil and groundwater cleanup. Much of this work has to be performed by qualified geologists in order to protect public health and safety. But, many times, the geologists are not qualified to sign many of these reports because they are required to be signed by a licensed professional in the State of Kansas. Therefore, we must have a Professional Engineer review the reports to sign them, adding to the cost of our work. We believe geologists should have licensed responsibility for the quality of their work, which should alleviate the concerns expressed by some engineers over signing off on work done by another profession which requires equal training.

GEOTECHNICAL ENGINEERING & GEOENVIRONMENTAL CONSULTANTS

4959 LULU COURT, SUITE 15
WICHITA, KANSAS 67216-2065
(316) 554-0725 FAX (316) 554-0744

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment 5-1

OMAHA • LINCOLN • GRAND ISLAND • KEARNEY
DES MOINES • IOWA CITY • DAVENPORT • WICHITA • SALINA
DENVER • PUEBLO • COLORADO SPRINGS • CHEYENNE



In my area of expertise, I review many reports conducted by other companies. Many of these companies do not have qualified (either in education or experience) geologists working for them. The work is not up to industry standards to protect the public health and safety. If we had licensing in Kansas, we could prevent this from happening.

In the past year, I reviewed a report that was put together by another firm. The firm was located out of state, and, in reviewing the report, I found many errors. The biggest error could have cost my client in excess of \$100,000.00 in clean-up costs if they would have purchased the property. A qualified licensed geologist working on this project would have kept this from happening.

Being a supervisor for a professional engineering firm with both geologists and engineers, I strongly feel that we need passage of House Bill 2471. The geologists and engineers work hand in hand on a daily basis because many projects require complementary effort between the two professional disciplines. In some instances, correct geologic interpretation becomes the most important element of the relationship because misinterpretation may lead to an inappropriate selection of engineering design or, perhaps, an unnecessarily costly design. In the fields of science that I work in, this bill is a necessity so that we can protect human health and safety and provide cost-effective solutions to protect the environment.

I have been working with the engineers for more than five years on this bill. My fellow engineers in my company also feel very strongly that we need House Bill 2471 to pass and become law.

EDMISTON OIL COMPANY, INC.

OIL OPERATORS
125 N. MARKET, SUITE 1310
WICHITA, KANSAS 67202-1774

E. K. EDMISTON (1906-1995)
JON M. CALLEN, *President*

(316) 265-5241
FAX (316) 265-7301

**TESTIMONY OF JON M. CALLEN
BEFORE THE
1996 COMMITTEE ON HOUSE ORGANIZATION AND ELECTIONS
January 25, 1996**

My name is Jon M. Callen. I am president of Edmiston Oil Company, Inc., in Wichita, Kansas. I am a licensed engineer in Kansas with a Bachelor of Science degree in Civil Engineering from the University of Kansas and a Master of Science degree in Geology from Wichita State University.

I completed my engineering degree in 1973 and worked for the Kansas Turnpike Authority for six years. In 1980, I went to work for Edmiston Oil Company, Inc. and completed my masters degree in Geology in 1983.

I am a member in good standing of the National Society of Professional Engineers and the Kansas Engineering Society, and a past president of that organization. I am also a member of the Kansas Geological Society. I am not testifying on their behalf, nor should any of my testimony be construed as an endorsement by either the Kansas Engineering Society or the Kansas Geological Society. I am acting solely as an interested citizen for this bill.

I come before the committee today to testify in support of House Bill 2471 which would license geologists under the auspices of the Kansas State Board of Technical Professions. The geology profession and engineering profession are competing with greater frequency for work related to groundwater resources and environmental remediation. That work requires that geologists make decisions and direct work that can have an impact on the public health, welfare and safety. It makes good sense to license those geologists who practice in that area.

Through the passage of this bill, the Board of Technical Professions can establish minimum standards of competency for individuals to practice their profession. With licensing, a geologist would be allowed to compete for work where their abilities can be assessed against those standards. If they

prove to be unqualified in their ability, the Board of Technical Professions could deny or rescind their license.

A license to practice is the key to providing the public with competent individuals in practice. Denying or rescinding a license for incompetence is a severe penalty to one who attempts to practice without ability to perform. Without a licensing program, geologists would be free to compete with other licensed professions without equal penalties should they be unqualified to practice.

During discussions in the past few years as this bill took its current form, I have heard it suggested that geologists should be registered with the Kansas Department of Health and Environment. As I believe that many of the areas that licensed geologists would practice will have them working side by side with engineers and others governed by the Board of Technical Professions, I believe that the best solution would be to include licensing under the Board's jurisdiction where they can referee complaints between professions that may arise. To do otherwise would create conflicts between differing authorities over the competence of their charges. This would be to the detriment of the public.

It should be noted that the geologists met with representatives of the engineering profession on two occasions last summer to work out differences in opinions on the language of the bill after it was drafted. Those meetings were productive in reaching a consensus on the bill in its present form, with a few amendments to the wording.

I believe that passage of this bill is good for the people of Kansas and should receive favorable action by this committee. Thank you for the opportunity to address you and share my views on this issue.

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment 6-2

**Testimony before the House Governmental Organization
and Elections Committee
concerning the Geologist Licensing Bill (H.B. 2471)
by
Lee C. Gerhard, State Geologist and Director
Kansas Geological Survey
January 25, 1996**

Kansas is already heavily involved with implementation of federal laws and regulations dealing with environmental issues, with additional state and local requirements for environmental control and mitigation. In addition, Kansas is concerned about the relationship of agricultural-water use and stream flow, chemical contamination of ground water, and a myriad of other environmental issues. Most of these issues involve both geologic investigations and public health and safety.

The Kansas Geological Survey supports registration and licensing of geologists who work in positions affecting public health and safety, because the public rightfully expects high standards of professionalism, training, experience, and ethical behavior of those who affect their well-being. These are the same arguments that underlie the licensing of engineers, architects, and other professions.

Seventeen states have already adopted geologist registration for these reasons; many more are considering or advancing such legislation. Lacking a Kansas licensing statute, your state geologist is licensed in Wyoming and has professional certification through the American Institute of Professional Geologists and the American Association of Petroleum Geologists.

In some states engineers have objected to the licensing of geologists in fear of economic competition; this should never be an issue, since geologists may not practice engineering without license, nor should engineers practice geology without license. Geological engineers may be eligible for dual licensing, but they are few in number.

Landslides, radon concentration problems, leaking underground storage tanks, recharge of aquifers, transfer of contaminants in ground water systems, earthquake susceptibility, salt intrusion into surface water, and similar issues are part of the geologists repertoire, but also impinge directly on public health and safety.

Pete Dohms, of Condor Minerals Management, Inc. of Pensacola, Florida, in a memo of January 31, 1993, elegantly stated the historical perspective, and I quote his words: "The public practice of geology is evolving in much the same manner as engineering did during the first half of this century. The states and the members of the profession have come to recognize that the public interest is served if geologists are registered at the state level and required to adhere to a high standard of professional conduct. Examination of the current situation suggests that virtually all states will require registration of geologists within the next ten to twenty years. In examination of requirements for both engineers and geologists in three example states it was learned that the requirements are essentially identical." Those three states are Arizona, California, and Florida.

My point is simply that geologists play a very important role in environmental and water issues and that the public interest demands that standards be set by the state. Kansas has its opportunity to provide for public protection and safety now, rather than later.

The Kansas Geological Survey supports House Bill 2496, which provides for licensure and regulation of the practice of geology in the public sector. We would not object to the extension of the act to include those geologists who are employed by the State of Kansas. Thank you for the opportunity to comment on the proposed legislation.



Statement to
House Committee on Governmental Organizations
House Bill 2471
Thursday, January 25, 1996

Madam Chair and members of the committee, my name is George Barbee, appearing today as the executive director of the Kansas Consulting Engineers. The Kansas Consulting Engineers is an association of member firms performing design services for the construction of buildings, roads, bridges, highways, water plants, water systems, sewage plants, and other major infrastructure projects.

To design projects it is necessary to collect geologic data, so there was a considerable amount of interest and concern when House Bill 2471 and its predecessor bills were introduced. Concerns that this bill might require yet another professional practice license to do what engineers have been doing for many decades.

Engineers were also concerned that non-engineer geologists might be allowed to practice engineering without having received the prerequisite education, experience, and license to legally practice engineering.

We knew that you were not fond of refereeing turf battles between various professions, so I am happy to report that the geologists, the Kansas Consulting Engineers, and the Kansas Engineering Society met throughout the past year and have arrived at mutual agreement on an amended bill as provided to you today. This compromise will: allow engineers to collect geologic data for design purposes; allow for licensure of geologists; and allow for one new geologist member to be added to the existing state board of technical professions.

The state board of technical professions is presently a 13 person board that administers the licensing law for engineers, architects, landscape architects, and land surveyors. These design professionals are licensed under one law to protect the health, safety, and welfare of the public.

House Bill 2471, in its present amended form, will not be opposed by the engineers.

HOUSE GOVT ORG & ELECTIONS
January 25, 1996 Attachment 8-1

Thank you for the opportunity to express our views, and I would be glad to stand for questions should you have any.

TESTIMONY
Governmental Organization & Elections Committee
January 25, 1996

Madam Chair, members of the committee, I am Bill Henry, Executive Vice-President of the Kansas Engineering Society, the professional organization for licensed engineers practicing in Kansas.

HB 2471 has been requested by geologists in the state who wish to create the licensed practice of geology under the purview of the Kansas Board of Technical Professions.

The Kansas Engineering Society, after meeting with members of the Geology Association, have determined they will not oppose HB 2471 if amendments that have been agreed to by the two groups are added to the measure.

These amendments, which deal with the makeup of the Board and scope of practice of engineering and geologists will allow geologists and engineers to work in similar areas in some cases but will clearly allow engineers who are providing the services in geotechnical related areas to continue offering those services to the public.

If these amendments are added to HB 2471 the Kansas Engineering Society will not oppose the passage of HB 2471.

Respectfully Submitted by,

William M. Henry, Executive Vice-President
Kansas Engineering Society



KANSAS INDEPENDENT OIL & GAS ASSOCIATION

105 S. BROADWAY • SUITE 500 • WICHITA, KANSAS 67202-4262
(316) 263-7297 • FAX (316) 263-3021
800 S.W. JACKSON • SUITE 1400 • TOPEKA, KANSAS 66612-1216
(913) 232-7772 • FAX (913) 232-0917

**Statement of Donald P. Schnacke, Executive Vice President
Kansas Independent Oil & Gas Association
before the
House Governmental Organizations & Elections Committee
January 25, 1996**

RE: HB 2471 - Licensing of Geologists

My name is Donald P. Schnacke. I am the Executive Vice President of the Kansas Independent Oil and Gas Association. I am a licensed professional engineer and an attorney, both professions being regulated by established regulatory organizations. I am appearing in favor of passage of HB 2471.

In my practice of engineering throughout the years, I have often used the service of foundation drilling contractors who are normally supervised by trained geologists giving advice to structural engineers on how to design structural footings and foundations for building construction of all kinds.

In my work with KIOGA I've come into contact with experienced geologists who are at the heart of the oil and gas exploration business. Many of the independent companies that I represent in the Association are owned by individuals who are experienced and trained as geologists. No one should invest in a publicly offered drilling venture for oil and gas without the services of a qualified geologist. There lies one of the needs for this legislation.

I know that when the legislature is considering a new licensing effort, creating a new regulatory program over a profession that is not now regulated, legislators want to know what the public need is for the legislation. I believe my experience will be of help to you.

There are "*geologists*" and there are "*geologists*". I'm a graduate professional engineer, identified by the Board as a petroleum engineer, and my engineering degree is from Oklahoma State University and supports my being classified as such. I took twelve hours of geology, but I'm no geologist. Without regulation, as provided for in HB 2471, I can publicly claim to be a geologist. As a matter of fact, everyone on this committee can claim to be a geologist. That creates a problem. A public need to certify professional geologists is greatly needed in Kansas.

Statement of Donald P. Schnacke
RE: HB 2471 - Licensing of Geologists
January 25, 1996
Page 2

I've talked to the Kansas State Securities Commissioner some time ago about this need. The offering of an oil and gas drilling deal to the public is regulated by the state's securities act. Within a prospectus there is often a letter or report or map prepared by an alleged "geologist" who states the drilling deal is a good investment. Often the person making this claim puts the word "geologist" under his name, implying he is a trained geologist whose judgement can be relied upon. As the Securities Commissioner has discovered, that is the furthest from the truth in some instances. It is misleading and is considered a fraud and contaminates the presentation of those making the offering. It would be in the public's interest for the State Securities Commissioner to require that on public offerings a licensed professional geologist be required to sign and seal a geological report and supporting maps so the public will know that professional expertise is behind the public offering.

The same can be said for the Kansas State Banking Commissioner and Kansas banks. In 1986 when the oil industry collapsed, the State Banking Commissioner began examining loan portfolios of individuals and companies that made loans on oil and gas ventures. The portfolios were embarrassingly empty of technical reports defining the nature of the lease or leases involved. Normally, the portfolio contained only the personal financial statements of the operators involved and nothing about the producing leases. The Banking Commissioner ordered all Kansas banks to require detailed technical reports about the operation and the producing leases which were the subject of the loans. That meant a report prepared by a licensed professional petroleum engineer, of which there are very few available as private consultants, or a "geologist". Here again, the "geologist" in question may or may not have the qualifications to protect the public and the banks. I said earlier the heart of a drilling and producing venture for oil and gas spins around the competency of the geologist and his report. What better way to assure the validity of a loan by an oil and gas operator than to have the report submitted to the bank by a licensed professional engineer, trained as a petroleum engineer, or a licensed professional geologist.

We believe the public will be better served in Kansas if a professional geologist is better defined and placed under the supervision of the State Board of Technical Professions.

Again, we recommend the passage of HB 2471.

Donald P. Schnacke

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment 8-2
10

F. DOYLE FAIR
Consulting Petroleum Engineer

Professional Engineer, 3758
Accredited Senior Appraiser, 001519
Certified General Real Property Appraiser, G-583

Comments On HB 2471 On January 25, 1996
Before The House Governmental Organization And Elections Committee

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment ~~1~~ //

Madam Chairman and members of this committee. I am Doyle Fair from Wichita. My formal education is in petroleum engineering and since 1959 I have been self-employed as a consulting petroleum engineer.

House Bill 2471 represents an effort to combine the interests of primarily 3 groups of practicing geologists, all of who have received degrees in geology. These groups are environmental, oil & gas and regulatory. The oil & gas industry in Kansas is dying a slow death. It is difficult for a geologist to find employment in Kansas in the oil & gas industry. Some have chosen to move to another area where industry jobs were available, others got out of the industry entirely and some have moved to state agencies that regulate the oil & gas industry. Others chose to acquire additional education and work in the environmental area.

In 1931 the legislature passed the first act for the registration of professional engineers. The Kansas professional engineers' license act was passed in 1947. Petroleum geologists have practiced in Kansas for 75⁺ years and as a group never felt the need to be licensed. This bill will not cause one additional oil or gas prospect to be drilled in Kansas. This is indirectly admitted because those geologists practicing in the oil & gas industry are exempted from many provisions of this bill. I fail to see the logic in establishing a licensing program for geologists in an industry and then exempting those geologists from any provisions of the bill.

I have no objection to the licensing of individuals practicing geology in Kansas but I do object to licensing without passing a written examination. In 1990 the Kansas legislature passed the state certified and licensed real property appraisers act. *EVERYONE* was required to take an examination. There was no "grandfathering". There were individuals that had been fee appraisers for years but did not want to study for the examination. Whether they would have passed the examination will never be known because of their personal decisions. They chose not to take the examination. Those geologists that want to make licensing stand for something will take and pass the examination.

Petroleum geologists just wanting another framed piece of paper to hang on the wall will not take the examination.

Section 9 par (b) is almost meaningless and should be deleted. To qualify as a practicing petroleum geologist under the provisions of this bill, a graduate geologist can spend a few hours examining old electric logs in four of the last 8 years and meet the requirements of this section. She or he has practiced geology. Only an examination treats all applicants equally. In addition, it raises the competency level for those that want the state of Kansas to license them by means of reciprocity because they are currently registered in another state that does not require an examination.

This bill treats the geological profession different from what the State Board of Technical Professions currently does with the technical professions of engineering, land surveying, architecture and landscape architecture. For example, whether an architect designs single family, multi-family or office structures, that architect is required to be licensed. However, an architect can design his house without a license. Another example is a petroleum engineer that works in the oil & gas industry and wants to obtain a license. Being in the oil & gas industry does not give him special privileges. She or he takes examinations just like other engineers in the fields of civil, electrical and mechanical engineering. In fact every licensed engineer is required to take two examinations: one for general knowledge and another for specific knowledge.

At the back of my handout there is a markup of House Bill No. 2471. I will attempt to incorporate my comments into suggested changes. Turning to page 5, line 13 of the bill provides for three geologists to be on the State Board of Technical Professions and my recommendation is one.

On page 7 (b) lines 17-22 are the foundation for exempting geologists in the oil & gas industry from certain provisions of this bill. Paragraph (b) in this new Sec. 8 should be deleted. This causes paragraphs (c) and (d) to be re-indexed.

Still on page 7, lines 33-35 are for those that want "grandfathering". The legislature spoke loud and clear about "grandfathering" in 1990. The suggested changes would eliminate "grandfathering". Lines 33-35 would then read, "New Sec. 9. A person who applies for licensure as a geologist shall be considered for licensure,"

Page 8 (b) lines 3-7 is an attempt to bring all geologists into the "licensing fold" whether they have been active or not. By requiring examinations for all geologists there is no need for this paragraph.

Page 8 line 8 par (c) would be re-indexed as (b).

Page 8 (d) lines 12-16 effectively takes the licensing of geologists away from the State Board of Technical Professions and gives it to two groups of geologists. I prefer that Kansans and the State Board of Technical Professions decide what geologists are to be licensed in Kansas. Par. (d) has been deleted.

In closing, if Kansas geologists are to be licensed then require two examinations for all applicants: one for general geological knowledge and the other for specific knowledge such as petroleum, environmental, etc. Two examinations are required for engineering applicants whether they are civil, electrical, industrial, mechanical or petroleum. The 1990 legislature decided that individuals wanting to represent themselves as real property appraisers were going to have to meet certain requirements AND take an examination. How can the 1996 legislature require anything less of the geological profession?

Thank you.

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment ~~11~~-4

11-4

HOUSE BILL No. 2471

By Committee on Governmental Organization and Elections

2-14

9 AN ACT concerning the practice of geology; providing for licensure and
10 regulation as a technical profession; amending K.S.A. 74-7003, 74-
11 7004, 74-7005, 74-7006, 74-7007 and 74-7013 and repealing the exist-
12 ing sections.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 74-7003 is hereby amended to read as follows: 74-
16 7003. As used in this act:

17 (a) "Technical professions" includes the professions of engineering,
18 land surveying, architecture and landscape architecture and geology as
19 the practice of such professions are defined in this act.

20 (b) "Board" means the state board of technical professions.

21 (c) "License" means a license to practice the technical professions
22 granted under this act.

23 (d) "Architect" means a person whose practice consists of:

24 (1) Rendering services or performing creative work which requires
25 architectural education, training and experience, including services and
26 work such as consultation, evaluation, planning, providing preliminary
27 studies and designs, overall interior and exterior building design, the
28 preparation of drawing, specifications and related documents, all in con-
29 nection with the construction or erection of any private or public building,
30 building project or integral part or parts of buildings or of any additions
31 or alterations thereto, or other services and instruments of services related
32 to architecture;

33 (2) representation in connection with contracts entered into between
34 clients and others; and

35 (3) observing the construction, alteration and erection of buildings.

36 (e) "Practice of architecture" means the rendering of or offering to
37 render certain services, as described in subsection (d), in connection with
38 the design and construction or alterations and additions of a building or
39 buildings; the design and construction of items relating to building code
40 requirements, as they pertain to architecture, and other building related
41 features affecting the public's health, safety and welfare; the preparation
42 and certification of any architectural design features that are required on
43 plats; and the teaching of architecture by a licensed architect in a college

1 or university offering an approved architecture curriculum of four years
2 or more.

3 (f) "Landscape architect" means a person who is professionally qual-
4 ified as provided in this act to engage in the practice of landscape archi-
5 tecture, who practices landscape architecture and who is licensed by the
6 board.

7 (g) "Practice of landscape architecture" means the performing of pro-
8 fessional services such as consultation, planning, designing or responsible
9 supervision in connection with the development of land areas for pres-
10 ervation and enhancement; the designing of land forms and nonhabitable
11 structures for aesthetic and functional purposes such as pools, walls and
12 structures for outdoor living spaces for public and private use; the prep-
13 aration and certification of any landscape architectural design features
14 that are required on plats; and the teaching of landscape architecture by
15 a licensed landscape architect in a college or university offering an ap-
16 proved landscape architecture curriculum of four years or more. It en-
17 compasses the determination of proper land use as it pertains to: Natural
18 features; ground cover, use, nomenclature and arrangement of plant ma-
19 terial adapted to soils and climate; naturalistic and aesthetic values; set-
20 tings and approaches to structures and other improvements; soil conser-
21 vation erosion control; drainage and grading; and the development of
22 outdoor space in accordance with ideals of human use and enjoyment.

23 (h) "Professional engineer" means a person who is qualified to prac-
24 tice engineering by reason of special knowledge and use of the mathe-
25 matical, physical and engineering sciences and the principles and methods
26 of engineering analysis and design, acquired by engineering education
27 and engineering experience, who is qualified as provided in this act to
28 engage in the practice of engineering and who is licensed by the board.

29 (i) "Practice of engineering" means any service or creative work, the
30 adequate performance of which requires engineering education, training
31 and experience in the application of special knowledge of the mathemat-
32 ical, physical and engineering sciences to such services or creative work
33 as consultation, investigation, evaluation, planning and design of engi-
34 neering works and systems, the teaching of engineering by a licensed
35 professional engineer in a college or university offering an approved en-
36 gineering curriculum of four years or more, engineering surveys and stud-
37 ies, the observation of construction for the purpose of assuring compli-
38 ance with drawings and specifications, representation in connection with
39 contracts entered into between clients and others and the preparation
40 and certification of any engineering design features that are required on
41 plats; any of which embraces such service or work, either public or private,
42 for any utilities, structures, buildings, machines, equipment, processes,
43 work systems, projects and industrial or consumer products or equipment

1 of a mechanical, electrical, hydraulic, pneumatic or thermal nature, in-
2 sofar as they involve safeguarding life, health or property. As used in this
3 subsection, "engineering surveys" includes all survey activities required
4 to support the sound conception, planning, design, construction, main-
5 tenance and operation of engineered projects, but excludes the surveying
6 of real property for the establishment of land boundaries, rights-of-way,
7 easements and the dependent or independent surveys or resurveys of the
8 public land survey system.

9 (j) "Land surveyor" means any person who is engaged in the practice
10 of land surveying as provided in this act and who is licensed by the board.

11 (k) "Practice of land surveying" includes:

12 (1) The performance of any professional service, the adequate per-
13 formance of which involves the application of special knowledge and ex-
14 perience in the principles of mathematics, the related physical and ap-
15 plied sciences, the relevant requirements of law and the methods of
16 surveying measurements in measuring and locating of lines, angles, ele-
17 vation of natural and man-made features in the air, on the surface of the
18 earth, within underground workings and on the bed of bodies of water
19 for the purpose of determining areas, volumes and monumentation of
20 property boundaries;

21 (2) the preparation of plats of land and subdivisions thereof, including
22 the topography, rights-of-way, easements and any other boundaries that
23 affect rights to or interests in land, but excluding features requiring en-
24 gineering or architectural design;

25 (3) the preparation of the original descriptions of real property for
26 the conveyance of or recording thereof and the preparation of maps, plats
27 and field note records that represent these surveys;

28 (4) the reestablishing of missing government section corners in ac-
29 cordance with government surveys; and

30 (5) the teaching of land surveying by a licensed land surveyor in a
31 college or university offering an approved land surveying curriculum of
32 four years or more.

33 (l) "Person" means a natural person, firm, corporation or partnership.

34 (m) "Plat" means a diagram drawn to scale showing all essential data
35 pertaining to the boundaries and subdivisions of a tract of land, as deter-
36 mined by survey or protraction. A plat should show all data required for
37 a complete and accurate description of the land which it delineates, in-
38 cluding the bearings (or azimuths) and lengths of the boundaries of each
39 subdivision.

40 (n) "Geologist" means a person who is qualified to engage in the prac-
41 tice of geology by reason of knowledge of geology, mathematics and the
42 supporting physical and life sciences, acquired by education and practical
43 experience, who is qualified as provided in this act to engage in the prac-

1 *tice of geology and who is licensed by the board.*

2 (o) "Practice of geology" means:

3 (1) *The performing of professional services such as consultation, in-*
 4 *vestigation, evaluation, planning or mapping, or inspection, or the re-*
 5 *sponsible supervision thereof, in connection with the treatment of the*
 6 *earth and its origin and history, in general; the investigation of the earth's*
 7 *constituent rocks, minerals, solids, fluids including surface and under-*
 8 *ground waters, gases and other materials; and the study of the natural*
 9 *agents, forces and processes which cause changes in the earth;*

10 (2) *the teaching of geology in a college or university offering an ap-*
 11 *proved geology curriculum of four years or more by a person who meets*
 12 *the qualifications for education and experience prescribed by section 7;*
 13 *or*

14 (3) *representation in connection with contracts entered into between*
 15 *clients and others and the preparation and certification of any geological*
 16 *information on plats and maps insofar as it involves safeguarding life,*
 17 *health or property.*

18 Sec. 2. K.S.A. 74-7004 is hereby amended to read as follows: 74-
 19 7004. For the purpose of administering the provisions of this act and in
 20 order to establish and maintain a high standard of integrity, skills and
 21 practice in the technical professions and to safeguard the life, health,
 22 property and welfare of the public, ~~the governor shall appoint a state~~
 23 ~~board of technical professions consisting of nine members there is hereby~~
 24 *established the state board of technical professions. The board shall consist*
 25 *of 16 members, 15 of whom shall be appointed by the governor. At least*
 26 *30 days prior to the expiration of any term of any appointed member*
 27 *other than that of the member appointed from the general public, pro-*
 28 *fessional societies and associations which are respectively representative*
 29 *of each branch of the technical professions may submit to the governor*
 30 *a list of three or more names of persons of recognized ability who have*
 31 *the qualifications prescribed for board members for appointment from*
 32 *that branch of the technical professions. The governor shall consider the*
 33 *list of persons in making the appointment to the board. In case of a*
 34 *vacancy in the membership of the board, other than that of the member*
 35 *appointed from the general public, for any reason other than the expi-*
 36 *ration of a term of office, the governor shall appoint a qualified successor*
 37 *to fill the unexpired term. In making the appointment the governor shall*
 38 *give consideration to the list of persons last submitted.*

39 Sec. 3. K.S.A. 74-7005 is hereby amended to read as follows: 74-
 7005. (a) Membership of the board shall be as follows:

40 (1) Four members shall have been engaged in the practice of engi-
 41 neering for at least eight years and shall be licensed engineers. At least
 42 one of such members shall be engaged in private practice as an engineer.
 43

1 At least one of such members shall also be licensed as a land surveyor, as
2 well as a licensed engineer.

3 (2) Two members shall have been engaged in the practice of land
4 surveying for at least eight years and shall be licensed land surveyors.

5 (3) Three members shall be licensed architects of recognized stand-
6 ing and shall have been engaged in the practice of the profession of ar-
7 chitecture for at least eight years, which practice shall include responsible
8 charge of architectural work as principal.

9 (4) One member shall be a licensed landscape architect and shall have
10 been engaged in the practice of landscape architecture for at least eight
11 years, which practice shall include responsible charge of landscape ar-
12 chitectural work as principal.

13 (5) ~~Three members shall be engaged in the practice of geology and,~~
14 ~~on and after January 1, 1996, shall be licensed geologists. One such mem-~~
15 ~~ber shall be the state geologist and at least one such member shall be~~
16 ~~engaged in the private practice of geology.~~

17 (6) Three members shall be from the general public of this state.

18 (b) Each member of the board shall be a citizen of the United States
19 and a resident of this state.

20 (c) The amendments to this section shall not be applicable to any
21 member of the board who was appointed to the board and qualified for
22 such appointment under this section prior to the effective date of this act.

23 Sec. 4. K.S.A. 74-7006 is hereby amended to read as follows: 74-
24 7006. (a) Whenever a vacancy ~~shall occur~~ occurs in the membership of
25 the board by reason of the expiration of a term of office, the governor
26 shall appoint a successor of like qualifications. *Subject to the provisions*
27 *of subsection (b),* all appointments shall be for ~~a term~~ terms of four years,
28 but no member shall be appointed for more than three successive four-
29 year terms. ~~The term of each member first appointed after January 1,~~
30 ~~1993,~~

31 (b) For the purpose of computing the length of the term of ~~such~~
32 ~~member, a member.~~

33 (1) *The term of each member first appointed after January 1, 1996,*
34 *to fill a vacancy created by expiration of a member's term* shall commence
35 on the first calendar day subsequent to the day of expiration of the pre-
36 ceding term, regardless of when the appointment is made, and shall end
37 on June 30 of the fourth year of the member's term for those members
38 whose terms commence on July 1, or on June 30 following the third full
39 year of the member's term for those members whose terms commence
40 on January 1.

41 (2) *Of the members appointed pursuant to subsection (a)(5) of K.S.A.*
42 *74-7005 and amendments thereto, the term of one shall end on June 30*
43 *following the third full year of the member's term and the term of one*

13 (5) *Three One members shall be engaged in the practice of geology and,*
14 *on and after January 1, 1996 1997, shall be a licensed geologists. One such mem-*
15 *ber shall be the state geologist and at least one such member shall be*
16 *engaged in the private practice of geology.*

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment #109
11-9

1 shall end on June 30 following the second full year of the member's term,
2 as designated by the governor.

3 (3) Thereafter, for the purpose of computing the length of term of a
4 member of the board, the terms of members appointed to the board shall
5 commence on the July 1 immediately following the day of expiration of
6 the preceding term, regardless of when the appointment is made, and
7 shall expire on June 30 of the fourth year of the member's term.

8 (c) Each member shall serve until a successor is appointed and qual-
9 ified. Whenever a vacancy shall occur in the membership of the board
10 for any reason other than the expiration of a member's term of office, the
11 governor shall appoint a successor of like qualifications to fill the unex-
12 pired term.

13 (d) The governor may remove any member of the board for miscon-
14 duct, incompetency, neglect of duty, or for any other sufficient cause.

15 Sec. 5. K.S.A. 74-7007 is hereby amended to read as follows: 74-
16 7007. The board shall organize annually at its first meeting subsequent
17 to July 1, and shall select a chairperson, vice-chairperson, and secretary
18 from its own membership. The secretary shall be the custodian of the
19 common seal, the books and records of the board, and shall keep minutes
20 of all board proceedings. The chairperson and secretary shall have the
21 power to administer oaths pertaining to the business of the board. The
22 board shall have a common seal and shall formulate rules to govern its
23 actions. Each member of the board shall take and subscribe the oaths
24 prescribed by law for state officers. The oaths provided for herein shall
25 be filed in the office of the secretary of state. The board shall hold an
26 annual meeting and such additional meetings as the board may designate.
27 Five (5) ~~Nine~~ members shall constitute a quorum for the transaction of
28 business.

29 Sec. 6. K.S.A. 74-7013 is hereby amended to read as follows: 74-
30 7013. (a) The board may adopt all bylaws and rules and regulations, in-
31 cluding rules of professional conduct, which are necessary for perform-
32 ance of its powers, duties and functions in the administration of this act.

33 (b) Subject to the provisions of subsection (c), it shall be the respon-
34 sibility of the member or members of the board who hold a license to
35 practice the profession for which an applicant seeks to be licensed, to
36 provide and have graded any examination required by this act to be taken
37 by such applicant.

38 (c) Before January 1, 1996, it shall be the responsibility of the mem-
39 bers of the board described in subsection (a)(5) of K.S.A. 74-7005 and
40 amendments thereto to provide and have graded any examination re-
41 quired by this act to be taken by an applicant for licensure to practice
42 geology.

43 New Sec. 7. Minimum qualifications of applicants seeking licensure

1 as geologists are the following:

2 (a) Graduation from a course of study in geology, or from a program
3 which is of four or more years' duration and which includes at least 30
4 semester or 45 quarter hours of credit with a major in geology or a geology
5 specialty, that is adequate in its preparation of students for the practice
6 of geology;

7 (b) proof of at least four years of experience in geology of a character
8 satisfactory to the board, as defined by rules and regulations of the board;
9 and

10 (c) the satisfactory passage of such examinations in the fundamentals
11 of geology and in geologic practice as utilized by the board.

12 New Sec. 8. The provisions of this act requiring licensure or the is-
13 suance of a certificate of authorization under K.S.A. 74-7036 and amend-
14 ments thereto to engage in the practice of geology shall not be construed
15 to prevent or to affect:

16 (a) The practice of geology by any person before July 1, 1996.

17 (b) The performance of geological work which is exclusively in the
18 exploration for and development of energy resources and economic min-
19 erals and which does not have a substantial impact upon the public health,
20 safety and welfare, as determined pursuant to rules and regulations
21 adopted by the board, nor require the submission of reports or documents
22 to public agencies.

23 (c) The acquisition of engineering data and the utilization of such
24 data in analysis, design and construction by licensed professional engi-
25 neers.

26 (d) Performance of work customarily performed by graduate physical
27 or natural scientists, if such work does not include: (1) The design and
28 execution of geologic investigations; (2) the independent control and di-
29 rection, by use of initiative, skill and independent judgment, of geologic
30 work or the supervision of such work; or (3) the drawing of geologic
31 conclusions and recommendations in a way that significantly affects the
32 public health, safety or welfare.

33 New Sec. 9. (a) Subject to the provisions of subsection (b), a person
34 who applies for licensure as a geologist before July 1, 1996, shall be con-
35 sidered to be qualified for licensure, without further written examination,
36 if the person has:

37 (1) Experience consisting of a minimum of four years of professional
38 practice in geology or a specialty thereof, of a character acceptable to the
39 board; and

42 (2) (A) graduated from an accredited institution of higher education
with a bachelor of science or bachelor of arts or higher degree, with a
major in geology; or

43 (B) graduated from an accredited institution of higher education in

16 (a) The practice of geology by any person before July 1, 1996 1997.

17 (b) The performance of geological work which is exclusively in the
18 exploration for and development of energy resources and economic min-
19 erals and which does not have a substantial impact upon the public health,
20 safety and welfare, as determined pursuant to rules and regulations
21 adopted by the board, nor require the submission of reports or documents
22 to public agencies.

23 ~~(c)~~ (b) The acquisition of engineering data and the utilization of such

26 ~~(d)~~ (c) Performance of work customarily performed by graduate physical

33 New Sec. 9. ~~(a)~~ Subject to the provisions of subsection (b), a A person
34 who applies for licensure as a geologist before July 1, 1996, shall be con-
35 sidered to be qualified for licensure, without further written examination

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment 10-11
11-11

1 a four-year academic degree program other than geology, but with 30
2 semester hours or 45 quarter hours of credit in geology.

3 (b) A person who meets the qualifications of subsection (a) may, in
4 the discretion of the board, be required to take and pass an examination
5 as required by this act if the person is not engaged in the practice of
6 geology on July 1, 1995, and has not engaged in the practice of geology
7 for at least four of the eight years immediately preceding July 1, 1996.

8 (c) Upon application, a person who is licensed, registered or certified
9 as a geologist in another state having standards at least equal to those
10 required for licensure as a geologist pursuant to this act may be issued a
11 license as a geologist pursuant to this act.

12 (d) On and after January 1, 1996, and before January 1, 1997, upon
13 application, a person who holds a valid certification from the American
14 institute of professional geologists or the division of professional affairs
15 of the American association of petroleum geologists may be issued a li-
16 cense as a geologist pursuant to this act.

17 Sec. 10. K.S.A. 74-7003, 74-7004, 74-7005, 74-7006, 74-7007 and 74-
18 7013 are hereby repealed.

19 Sec. 11. This act shall take effect and be in force from and after its
20 publication in the statute book.

3 ~~(b) A person who meets the qualifications of subsection (a) may, in~~
4 ~~the discretion of the board, be required to take and pass an examination~~
5 ~~as required by this act if the person is not engaged in the practice of~~
6 ~~geology on July 1, 1995, and has not engaged in the practice of geology~~
7 ~~for at least four of the eight years immediately preceding July 1, 1996.~~

8 ~~(c) Upon application, a person who is licensed, registered or certified~~

12 ~~(d) On and after January 1, 1996, and before January 1, 1997, upon~~
13 ~~application, a person who holds a valid certification from the American~~
14 ~~institute of professional geologists or the division of professional affairs~~
15 ~~of the American association of petroleum geologists may be issued a li-~~
16 ~~cense as a geologist pursuant to this act.~~

HOUSE GOVT ORG & ELECTIONS
January 25, 1996
Attachment ~~11-72~~ 1996