

Approved: 3/13/96
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION.

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on March 12, 1996 in Room 531--N of the Capitol.

All members were present except:

Committee staff present: Julian Efird, Legislative Research Department
Fred Carman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: William R. Bryson, Kansas Geological Society
Paul M. Gunzelman, Past President, Kansas Geological Society
Jon M. Callen, President, Edmiston Oil Company, Inc.
Donald Schnacke, Executive Vice President, Kansas Independent Oil and Gas Association (KIOGA)
George Barbee, Kansas Consulting Engineers
Lee C. Gerhard, State Geologist and Director, Kansas Geological Survey
Murray L. Rhodes, L.S., Member and Secretary, Board of Technical Professions
F. Doyle Fair, Consulting Petroleum Engineer, Wichita, KS
Representative Phil Kline

Others attending: See attached list

The meeting was called to order at 1:35 p.m. by Senator Ramirez, Chairman.

Substitute for HB 2471--concerning the practice of geology

The chairman called on proponents of the bill to speak first.

William R. Bryson, Kansas Geological Society, testified in support of the bill, giving a brief history of past efforts to license geologists in Kansas. He stated that the licensing or registration of geologists is now required in over twenty states. He addressed the two concerns which the House Committee discussed which were: Fragmentation of the Board due to the addition to a new profession and Cost of implementation of Substitute HB 2471 and funding. (Attachment 1) Mr. Bryson ended his testimony by stating his belief that the proper home for the licensing of geologists is the Board of Technical Professions since the work of geologists closely interfaces with the engineering profession.

Paul M. Gunzelman, Kansas Geological Society, spoke in support of the bill and gave the key components of the bill and the requirements for one to obtain a license during the "grandfather" period. (Attachment 2) He spoke of the complexities of geologic application on projects which impact the public health and safety, stating that this requires an increased level of qualification for determining competency.

Jon M. Callen, President, Edmiston Oil Company, Inc., stated he was present and acting solely as an interested person in support of the bill. A license to practice is the key in providing the public with competent individuals in practice. He stated that it had been suggested that geologists might be registered with the Department of Health and Environment, but he believes the best solution would be to include licensing under the Board of Technical Professions. (Attachment 3)

Donald Schnacke, Executive Vice President of the Kansas Independent Oil and Gas Association, addressed the bill, stating that no one should invest in a publicly offered drilling venture for oil and gas without services of a qualified geologist, thereby the need for this legislation. Many times a letter or report is prepared by an 'alleged' geologist, but this is far from the truth in many instances. He told of what had happened in 1986 when the oil industry collapsed and the resulting requirements for detailed technical reports on the operation and producing leases which were the subject of loans. (Attachments 4) Mr. Schnacke ended his testimony by stating the public will be better served if professional geologists are placed under the supervision of the Board of Technical Professions.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION, Room 531--N Statehouse, at 1:30 p.m. on March 12, 1996.

George Barbee, Executive Director, Kansas Consulting Engineers, spoke next, stating the concerns of the engineers and the meeting between the geologists, consulting engineers and engineering society in which all concerned parties arrived at mutual agreement on the amended bill which is before the committee today. (Attachment 5) He ended by stating the bill in its present amended form will not be opposed by the engineers.

Lee C. Gerhard, State Geologist and Director Kansas Geological Survey, spoke in support of the bill and stated that twenty-two states have already adopted geologist registration. He spoke of the environmental concerns and related issues that involve geologic investigations and public health and safety. Public interest demands that standards be set by the State. (Attachment 6)

The chairman called on Murray Rhodes, Land Surveyor and Secretary, Board of Technical Professions, who appeared in a neutral position on the bill. Mr. Rhodes introduced board members, Stan Peterson, Architect and Chairperson; William "Chip" Winslow, Landscape Architect; and the Boards' executive director, Betty L. Rose. There are thirteen members on the board who are responsible for licensing and regulating the professions of engineering, architecture, land surveying and landscape architecture.

Mr. Rhodes touched on the Board's concerns of economic impact, grandfathering provision, and exemptions of practice and timing of implementation. The Board's recommendation would be to allow Gubernatorial appointment of a new geology board member, but delay implementation of initial licensing for one year, if the Legislature prefers licensure of geologists by the Board of Technical Professions. (Attachment 7)

The chairman called on F. Doyle Fair, Consulting Petroleum Engineer, Wichita, Kansas, an opponent of the bill, to give his comments. Mr. Fair asked the question, why should the Legislature create a licensing bureaucracy for individuals that do not work in an area that substantially impact public health, safety, and welfare? A person that does perform these types of services should be licensed. He feels that the public is being misled by this bill. His opinion is that the state should be involved in licensing only when the group of people requesting it is doing something that has the potential of substantially adversely affecting the public. (Attachment 8)

Testimony in support of **HB 2471** was provided by Mr. William M. Henry, Executive Vice-President, Kansas Engineering Society, who was unable to attend the meeting. (Attachment 9)

Representative Phil Kline, spoke to the bill, stating he is opposed to it as written. He commented that he is one of two legislators licensed by the board of Technical Professions. He does believe geologists should be licensed. Representative Kline stated that he had missed the House committee hearing on the bill. The committee did pass the bill out without recommendation. When it got to the floor of the House, he persuaded fifty-five of his colleagues to vote against the bill. The bill can be saved with amendments that would include the concerns of the Board.

One of the committee asked from where do most of the complaints stem. The response was that almost all of the problems and the work the Board does in complaints involves persons who have been grandfathered.

Representative Kline was asked if this bill was trying to fix something not broken. His response was that anything that affects the life and safety of citizens is worth fixing.

Other areas germane to the bill such as fees and national examinations were discussed.

The Chairman told everyone present who had concerns with the bill to get with the Board and reconcile their differences. A meeting will then be scheduled where the bill can be worked.

The meeting was adjourned.

The next meeting is scheduled for March 13, 1996.

TESTIMONY
of
William R. Bryson

Substitute HOUSE BILL 2471
before
Senate Governmental Organization

March 12, 1996

Mr. Chairman, members of the Committee, I am William R. Bryson. I am appearing before you this afternoon representing the Kansas Geological Society and Library, Wichita, Kansas and also as a practicing geologist. I am appearing in support of Substitute 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 essential 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 began in 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 and four other states had 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. Substitute 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 supplemental Bill from the House Committee stated that several bills had been introduced through the years on licensing geologists. The only one actually introduced was HB2496 in 1993.

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 geologic licensing nationally is attached. Kansas, which would have been one of the first states to recognize the field of geology as having this level of professional importance and whose professional interpretations and 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 as a licensed practice. The recognition that geologic interpretations form the very basis for proper design of many engineering structures, for cost effective groundwater monitoring systems in contamination remediation projects and the selection of proper waste injection zones in deep industrial waste disposal wells has taken a long time to evolve. Such programs as Superfund and RCRA have intensified the need for geologic application on environmental assessments, feasibility studies, and state groundwater protection plans. 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. Substitute HB2471 represents our best collective effort at delineating the interface between engineering and geologic functions.

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Attachment 1
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In 1993, House Bill 2496 was introduced and subsequently received interim hearing by the House Governmental Organization and Elections 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 on the bill 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. The reason for requiring this coordination and agreement was the acknowledgment of the close relationship between engineering and geology.

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. Substitute HB2471 contains the language and provisions which were found to be agreeable to both the engineering and geologic community.

During discussion of Sub HB2471 in the House Committee, the President of the Board of Technical Professions appeared as a neutral party but raised several issues of concern. I am going to briefly address the two concerns which the Committee discussed the most.

- (1) Fragmentation of the Board due to the addition to a new profession.
In 1978, the Kansas Legislature, in order to not have a proliferation of separate technical profession boards dealing with the licensing of engineering and other professions whose practices have impact on public health and the environment mandated the Board of Technical Professions as an umbrella agency. In light of this fairly longstanding Legislature Policy, we believed that the close relationship between geology and engineering in terms of practice qualified us with this group. We also believed that had we introduced a bill proposing a separate Board of Geologists, which many other states have, you would have directed us to the Board of Technical Professions as the most cost effective and logical entity for licensing.
- (2) Cost of implementation of Sub HB2471 and funding.
The Board of Technical Professions expressed concern over the costs of implementing Substitute HB2471. The Supplemental Note accompanying the bill indicated the costs would be \$44,763 for the first year and \$24,502 for subsequent years. As is true of the other professions licensed by the Board, we would expect this program to be fully fee supported.

We have provided two attachments to this testimony which relate to the costs of implementation, particularly in reference to the purchase of the ASBOG test. Our analysis differs somewhat from that presented by the Board, in that projected costs for program implementation are less.

Attachments II and III are our best analysis at what the cost of the program would be during the initial year after passage of the act and projections into future years. It is our understanding that the Board of Technical Professions is responsible for maintaining each licensing program as a financially self-supporting effort and we support that procedure. Most states involved in enacting 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 than originally estimated.

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 the importance of geology or sought the services of a qualified geologist who could have correctly described the site geology and potential hazards. In Western Kansas, geologists have been essential to discovery of additional cost effective water supplies for cities, one of which was Hays.

I believe the licensing or registration of geologists is important and gives the citizens of the State of Kansas assurances of having qualified practicing 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. We also believe the Board of Technical Professions is a proper home for licensing geologists since their work so closely interfaces with the engineering profession.

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.

Attachment II

Analyst of Costs of Implementing
Substitute HB2471-

1. Currently licensed under Board of Technical Professions (Licensed)
Approx. 12,000 (Supplemental Note on Sub HB2471)

Estimated Number of Geologists -- 1,000 (1st year)

Geologist represent approx. 7.7% of total workload if Sub HB2471 is passed and implemented. Only 7.7% of total workload would be allocated to geologist licensing once program is established

- (a) Board of Technical Professions Fiscal note to the House Committee allocated one full FTE (Office Asst. II) to the geologist's program, both for year of implementation and succeeding years.

FY 1997 -\$17,688 (salary) + \$2,250 (operating) = 19,938

FY 1998 - 18,002 = 18,002

- (b) Even if the number of geologists processed and licensed during FY1997 are twice the projected number (2000), they would only represent 15-16% of the total annual workload. It would appear that Board intends to allocate one FTE to geologists when this persons workload would probably be used to address the necessary workload for all professions licensed by the board.

2. Test costs covered under Attachment III

Income (based on 1000 licensees)
FY1997

- | | | |
|----|-------------------------------|-----------------|
| 1. | 1000 x \$25 (application fee) | = \$25,000 |
| | -20% to SGF | 5,000 |
| | | <u>\$20,000</u> |

Unknown is the number of corporate certificates which might be issued pursuant to KSA 74-7036 at \$150/cert.
(not figured into analysis)

- | | | |
|----|--|----------------|
| 2. | Statutory fee for renewal of license is biennial (every two years) and is \$50 | |
| | \$50 x 1000 | =50,000 |
| | -20% SGF | <u>=10,000</u> |
| | | \$40,000 |

This renewal activity would occur in FY1999, FY2001 etc.

3. If BTP elects to buy test over five year period or by application surcharge and only needs a maximum of 1/2 FTE to implement program then expenses would be as follows:

FY1997	\$23,792
FY1998	\$23,274

--Board member costs are shown as \$2,273/board member per year. These are appropriate if board member is 100 miles from Topeka. Less if board member is from Topeka, KC, Lawrence, or Manhattan.

Attachment III

Facts About ASBOG Exam

1. The cost of purchasing the exam is \$18,000. Originally the exam cost \$25,000 but has since been subscribed by 18 states thus reducing the costs.

If the state purchases the exam, the following payment options are open:

- (a) Pay for the exam up front in which case the cost would be \$18,000 with no payment in succeeding years.
 - (b) Enter into a contract with ASBOG (Association of State Board of Geologists) to purchase exam over a specified number of years
 $\$18,000/\text{years} = x$ dollars per year.
 - (c) Enter into a contract with ASBOG whereby there is a \$25 surcharge paid by either the applicant or the state when someone takes the exam. The exam cost is \$300 (\$150 per part). In this case, the charge per exam part would be \$175 of which \$25 goes toward paying off the \$18,000. For example, if after the grandfather year there were 360 applicants who took the exam, the \$18,000 would be paid off.
 - (d) Under (c); the Board of Technical Professions would not have to come up with any out of budget expenditure unless there was a decision at some later date to pay the balance of the \$18,000 either in total or by installment. No interest is involved. ASBOG does the billing to the state based on the number of examinations.
2. The annual dues to the ASBOG is \$3,000 and would have to come out of the fee income from the program. However, a state can belong as an associate state during the grandfather year for \$500. The only lack of privilege is that the state does not have a vote until it is a full member (\$3,000).
 3. The cost of examination in terms of Board of Technical Profession staff workload is limited to collecting the fee for application plus examination, proctoring the exams, and notifying applicants of the results and sending out applications upon request.

--All exams are sent to ASBOG for grading.

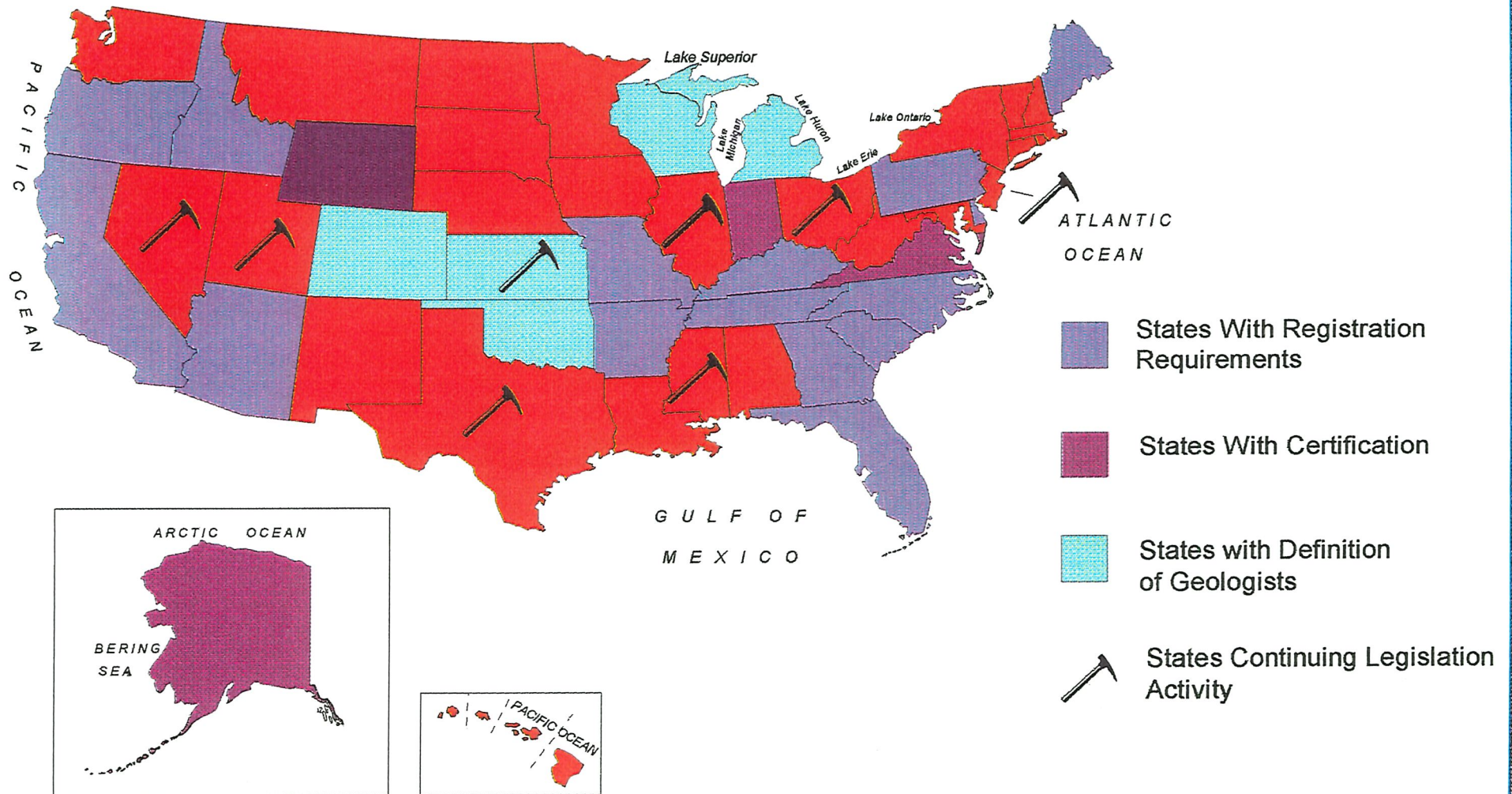
Analysis

The costs to the Board of Technical Professions during FY1997 could be as little as \$500 for the ASBOG relationship or \$3,000 if full membership is desired.

Under ASBOG contract, the only payments to ASBOG would be for an applicant not eligible for grandfathering and where a test is taken in which case \$50 per exam surcharge or \$25/exam part would go toward the \$18,000.

The bottom line is that this is a very affordable arrangement and should not cause the Board of Technical Professions to dip into existing balances to any appreciable degree. The processing of this activity would not appear to be sufficiently burdensome to require long term extra staff. Such a small increase in total workload does not appear to warrant an additional FTE Office Assistant II.

STATUS OF LICENSING FOR GEOLOGISTS





Kansas Geological Society & Library

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TESTIMONY

by
Paul M. Gunzelman

before
Senate Governmental Organizations Committee
March 12, 1996

Mr. Chairman, 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 afternoon in support of Substitute HB 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 more than 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 of the Kansas Geological Society have attained at least a baccalaureate degree. Many have masters or doctorate degrees. The membership of the Kansas Geological Society overwhelmingly supports a process that would set forth minimum standards for the practice of geology in the state of Kansas. We believe that Substitute HB 2471, serves this purpose.

Substitute House Bill 2471 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.
- 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 application used in the exploration for oil or gas.
- 4) A provision allowing for reciprocity for geologists from other states who have similar strict requirements for licensure.
- 5) 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.

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- 6) A "grandfather" period for one year which will allow qualified geologists to continue their practice and obtain a licence without taking a test. The "grandfather" clause is traditional when a profession is brought under a licensure umbrella and has been applied by the legislature to all the professions currently licensed by the Board of Technical Professions.

Requirements for one to obtain a license during the "grandfather" period under Substitute HB 2471 are several. A person must have completed at least a bachelor of science or bachelor of arts degree from an accredited institution of higher education with a major in geology *or* graduated from an accredited institution of higher learning in a four-year degree program other than geology but with a minimum of 30 semester hours or 45 quarter hours credit in geology, *and* have experience consisting of a minimum of four years of professional practice in geology or a specialty of geology, and a character acceptable to the board. A person who meets these requirements may, however, be required to pass an examination if that person is not engaged in the practice of geology on July 1, 1996 and has not engaged in the practice of geology for at least four of the last eight years. These requirements are more rigorous than any "grandfather" provisions previously passed by the legislature.

The Kansas Geological Society supports Substitute HB 2471 because the complexities of geologic application needed to do principal work on projects which impact the public health and safety requires an increased level of qualification or set of standards for determining competency.

I would be happy to address any questions you may have. Thank you.

EDMISTON OIL COMPANY, INC.

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

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TESTIMONY OF JON M. CALLEN BEFORE THE 1996 SENATE COMMITTEE ON GOVERNMENT ORGANIZATION March 12, 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 a 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,

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Testimony of Jon M. Callen
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geologists would be free to compete with other licensed professions without equal penalties should they be unqualified to practice.

As this bill has progressed this year, I have heard it suggested that perhaps the geologists should be registered with the Kansas Department of Health and Environment, rather than divide the Board of Technical Professions with one more profession. Many of the areas that licensed geologists would practice will have them working both in cooperation and in competition with engineers and others governed by the Board of Technical Professions. Therefore, I believe that the best solution would be to include licensing under the Board of Technical Professions' 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.

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.



KANSAS INDEPENDENT OIL & GAS ASSOCIATION

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**Statement of Donald P. Schnacke, Executive Vice President
Kansas Independent Oil & Gas Association
before the
Senate Committee on Governmental Organization
March 12, 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.

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Attachment 4*

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Statement of Donald P. Schnacke
RE: HB 2471 - Licensing of Geologists
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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

DPS:pp



Statement to
Senate Committee on Governmental Organizations
House Bill 2471
Wednesday, March 13, 1996

Mr. Chairman 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 engineers to acquire 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. This bill would maintain the board at 13 by adding one geologist and eliminating one public member.

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

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

Senate Governmental Organization

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AFFILIATED WITH:

KANSAS ENGINEERING SOCIETY AMERICAN CONSULTING ENGINEERS COUNCIL PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

Attachment 5
3/12/96

**Testimony before the Senate Governmental Organizations Committee
concerning the Geologist Licensing Bill (H.B. 2471)**

by

**Lee C. Gerhard, State Geologist and Director
Kansas Geological Survey**

March 12, 1996

Over the last 25 years environmental laws and regulations have dramatically changed the scope of the practice of geology, changing it from being mostly resource exploration and development with adjunct engineering geology, to a scientific profession that is intimately associated with environmental assessment and mitigation, and environmental protection. The public needs to be assured that standards of practice are consistent and assure competency in those issues involving public health and safety. Whereas in the past our own practitioners have resisted licensing, it is now clear that there is a public responsibility to accept license and to meet public standards of practice.

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.

Twenty-two 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.

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. We are all familiar with the newspaper accounts and photographs of homes cracking apart as they slid down slopes in Overland Park, and roads slipping into jumbled slabs of blacktop near Manhattan.

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Geologist Licensing Bill (H.B. 2471)

March 12, 1996

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Geologic hazards, resource conflicts with urban development, and land values tied to environmental regulations are all areas of geologic practice. 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, collapse of underground mines, salt dissolution collapses, and similar issues are part of the geologist's repertoire, but also impinge directly on public health and safety.

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.

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 2471, 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.





KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

Suite 507, Landon State Office Building 900 S.W. Jackson Street Topeka, Kansas 66612-1257

TESTIMONY TO THE
SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
ON SUBSTITUTE FOR H.B. 2471
BY MURRAY L. RHODES, L.S.
MEMBER AND SECRETARY, BOARD OF TECHNICAL PROFESSIONS

Chairman Ramirez, and members of the Senate Governmental Organization Committee, I am Murray Rhodes, Land Surveyor, and member of the Board of Technical Professions. I appear before you today concerning Substitute for H.B. 2471. Appearing with me are other representatives of the Board; Stan Peterson, Architect, Chairperson; William (Chip) Winslow, Landscape Architect and the Board's executive director, Betty L. Rose. The Board of Technical Professions consists of 13 members who are responsible for licensing and regulating the professions of engineering, architecture, land surveying and landscape architecture.

The Board of Technical Professions remains neutral concerning whether geologists be licensed in Kansas, or whether they should be licensed by our Board. There are 22 states which presently require licensing, certification, or registration for the practice of geology; Kansas is among the 28 states that does not license geologists.

The Board previously expressed many concerns with Sub. for H.B. 2471 in our testimony before the House Gov't. Org. Committee, and finds the bill unacceptable in its present form. The Board's concerns are as follows: **Economic Impact, Grandfathering Provision, Exemptions of Practice and Timing of Implementation.**

- **Economic Impact** - The start-up costs for the licensing of geologists are estimated at \$56,522. The proposed legislation does not provide the Board authority to collect administrative fees to recover those initial costs. This could cause the Board's reserves to become depleted. The Board believes significant financial reserves are necessary to support the Board's enforcement mission. Enforcement activities can occur without notice, dramatically impacting expenditures. For example, the Missouri Board found it necessary to assess their licensees for the investigation and disciplinary expenses involved with the Hyatt Regency disaster, because their reserves were inadequate. **Therefore, the Board would request legislative authority to collect those estimated costs, and establish renewal fees to repay the Board for the costs incurred in the initial licensure of geologists.**

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- **Grandfathering Provision** - The Board of Technical Professions requires all professions licensed by the Board to meet stringent requirements consisting of education, experience/internship, and passage of a rigorous national examination. The Board currently has an average of 30 disciplinary cases requiring exhaustive and expensive investigative reviews for each case. The majority of these cases relate to professionals who were grandfathered into a profession. Grandfathering was used by the Board before national exams were available. The Board strongly believes passage of a national exam is one of the requirements essential to safeguarding the health, safety and welfare of the public. **Even though grandfathering has been used in the past, the Board does not support a grandfathering provision, and would recommend deletion of New Sec. 7 of the bill.**
- **Exemptions of Practice** - The proposed legislation provides for the exemption of certain identified geologists. This exemption definitely removes an area of geology practice that directly affects the health, safety and welfare of the citizens of Kansas. **The Board does not support this provision, and would recommend deletion of Section 6 (b) due to it's inconsistencies with the current statutes of the other professions regulated by the Board.**
- **Timing of Implementation** - If passed, the provisions of Sub. H.B. 2471 would become effective July 1, 1996, which is within approximately 90 days. In this extremely compressed time frame, the Board and staff would be required to develop rules and regulations, applications and testing procedures. This would be done without the benefit of a geology Board member, since the new member could not be legally appointed until July 1. Further, it would not allow time for a new Board member and the full Board to become familiar with issues of geology examination and licensure. **Our recommendation is to allow Gubernatorial appointment of a new geology board member, but delay implementation of initial licensing for one year, if the Legislature prefers licensure of geologists by the Board of Technical Professions.**

In summary, the Board defers to the Legislature's judgment whether geologists should be licensed under the Board of Technical Professions. If the committee recommends the Board of Technical Professions license geologists, the Board would respectfully request input in the form of amendments, which would license geologists in a manner consistent with the other four disciplines licensed by the Board.

WHAT IS THE BOARD OF TECHNICAL PROFESSIONS?

The primary function of the Board of Technical Professions is to protect the health, safety and welfare of the general public by regulating the professions of Engineering, Architecture, Land Surveying, and Landscape Architecture. The total number of current licensees regulated by the Board is 11,933, and the present number of Intern Engineers is 12,079. The current membership of the Board consists of 13 members; 4 engineers, 3 architects, 2 land surveyors, 1 landscape architect, and 3 members from the general public.

F. DOYLE FAIR
Consulting Petroleum Engineer
Wichita, Kansas

**Comments On Substitute for House Bill No. 2471 On March 12, 1996
Before The Senate Governmental Organization And Elections Committee**

*Senate Governmental Organization
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Mr. Chairman and members of this committee. I am Doyle Fair and my formal education is in petroleum engineering. Since 1959 I have been self-employed as a consulting petroleum engineer. The State Board of Technical Professions is the licensing vehicle for architects, landscape architects, engineers and land surveyors when they operate in an area that substantially impacts the public health, safety and welfare of the citizens of Kansas. HB 2471 classifies those geologists that practice in the area of oil & gas exploration as not practicing in an area that *substantially* impacts the public health, safety and welfare.

Why should the legislature create a licensing bureaucracy for individuals that do not work in an area that substantially impacts the public health, safety and welfare? If the State of Kansas is to license a geologist, let that geologist acknowledge in the application for licensing that she or he works in an area that substantially impacts the public health, safety and welfare.

A person performing services that substantially impacts the public health, safety and welfare should be licensed and regulated. For that regulation to mean anything, an examination or examinations should be required by the State Board of Technical Professions. The public is misled by this bill when it sees two geologists representing themselves as Kansas licensed geologists. The natural assumption is that they are equally qualified, regulated and unbiased in the work they present to the public. Compensation for an oil & gas exploration geologist often involves a salary and an overriding royalty. Owners of overriding royalties pay no operating expenses associated with

producing the oil or gas. They do pay ad valorem taxes. The petroleum geologist with an overriding royalty interest continues to receive compensation almost expense free until production ceases. An environmental geologist will probably be paid so much per hour, day, month or fixed amount for the project and that compensation ceases with completion of the project.

Under HB 2471 as currently drafted, Kansas citizens approached to invest in an oil & gas prospect on the basis of a proposal by a Kansas licensed geologist will afford it the same credibility as a proposal to improve city water supplies by another Kansas licensed geologist. In my opinion, the environmental geologist will be unbiased in his recommendations because of the way compensation is received. This may or may not be true for the petroleum geologist.

If the premise put forth by the proponents of this bill is correct that oil & gas exploration geologists do not substantially affect the public health, safety and welfare, then there is *no public need* to license them. They already have two industry licensing groups: American Institute of Professional Geologists and Division of Professional Affairs of the American Association of Petroleum Geologists.

This bill does have a job creation section for licensed petroleum geologists. Under this bill, any person has to be licensed when submitting a map to the Conservation Division of the Kansas Corporation Commission because that map affects property. I am making the assumption that the terminology of "life, health or property" in the definition of practice of geology is the same as the

“public health, safety and welfare” in the new Section 6. This can create an additional regulatory burden on some oil & gas operators. Most operators have petroleum geologists with whom they have worked and in whom they have confidence. Operators are required to file well data (which is property) with the Conservation Division and make application to the Kansas Corporation Commission when seeking discovery allowables. Petroleum geologists are usually involved in this process. If the preferred geologist chooses not to be licensed, the operator has to employ another geologist who is licensed for the presentation to the Kansas Corporation Commission. This bill tells a petroleum geologist that it is okay to develop a prospect, raise the money and find a new pool but he or she must be licensed to present documents and testimony about that new pool before the Kansas Corporation Commission.

My opinion is that the State of Kansas should be involved in licensing only when the group of people requesting the licensing is doing something that has the potential of substantially adversely affecting the public. Any requested licensing that is approved should be found to be primarily for the benefit of the *public* and not the group.

If the legislature approves this request for geologists practicing in the oil & gas industry, I see no reason not to approve licensing for drilling engineers, mud logging engineers, electric log analysts, petroleum landmen and others that have 4 year college degrees plus experience. This industry is full of professionals just like the petroleum geologists.

A markup has been prepared that eliminates oil & gas exploration geologists from this bill. Having practiced geology in the oil & gas industry does not automatically qualify an individual to be proficient in the environmental area. As can be noted from it's name, the American Association of Petroleum Geologists was formed for "petroleum" geologists not environmental geologists. The markup eliminates grandfathering for geologists that practice in an area that affects the public health, safety and welfare of the citizens of Kansas. Par. (d) of the New Sec. 7 provides for a "window of opportunity" or "grandfathering" in my terminology for geologists that do not want to take an examination. Between July 1, 1996 and July 1, 1997 the holder of a valid certification from either of two previously mentioned geological associations may be issued a Kansas license under this act. The State Board of Technical Professions should conduct examinations for geologists rather than have to accept an oil & gas industry generated license.

If there are questions, I will attempt to answer them.

Thank you.

SUBSTITUTE for HOUSE BILL No. 2471

By Committee on Governmental Organization and Elections

1-16

9 AN ACT concerning the practice of geology; providing for licensure and
10 regulation as a technical profession; amending K.S.A. 74-7005 and 74-
11 7006 and K.S.A. 1995 Supp. 74-7003 and and 74-7013 and repealing
12 the existing sections.
13

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

15 Section 1. K.S.A. 1995 Supp. 74-7003 is hereby amended to read as
16 follows: 74-7003. 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 drawings, 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

7-8

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

8.7

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-

8-8

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 5*
13 *and amendments thereto; or*

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

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

18 Sec. 2. K.S.A. 74-7005 is hereby amended to read as follows: 74-
19 7005. (a) Membership of the board shall be as follows:

20 (1) Four members shall have been engaged in the practice of engi-
21 neering for at least eight years and shall be licensed engineers. At least
22 one of such members shall be engaged in private practice as an engineer.
23 At least one of such members shall also be licensed as a land surveyor, as
24 well as a licensed engineer.

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

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

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

35 (5) *One member shall be engaged in the practice of geology, shall have*
36 *been engaged in the practice of geology for at least eight years and, on*
37 *and after January 1, 1997, shall be a licensed geologist.*

38 (6) ~~Three~~ Two members shall be from the general public of this state.

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

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

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1 Sec. 3. K.S.A. 74-7006 is hereby amended to read as follows: 74-
 2 7006. (a) Whenever a vacancy ~~shall occur~~ *occurs* in the membership of
 3 the board by reason of the expiration of a term of office, the governor
 4 shall appoint a successor of like qualifications. *Subject to the provisions*
 5 *of subsection (b)*, all appointments shall be for a ~~term~~ *terms* of four years,
 6 but no member shall be appointed for more than three successive four-
 7 year terms. The term of each member first appointed after January 1,
 8 1993, for the purpose of computing the length of the term of such mem-
 9 ber, shall commence on the first calendar day subsequent to the day of
 10 expiration of the preceding term, regardless of when the appointment is
 11 made, and shall end on June 30 of the fourth year of the member's term
 12 for those members whose terms commence on July 1, or on June 30
 13 following the third full year of the member's term for those members
 14 whose terms commence on January 1. Thereafter, for the purpose of
 15 computing the length of term of a member of the board, the terms of
 16 members appointed to the board shall commence on the July 1 imme-
 17 diately following the day of expiration of the preceding term, regardless
 18 of when the appointment is made, and shall expire on June 30 of the
 19 fourth year of the member's term.

20 (b) *The term of office of the member first appointed pursuant to sub-*
 21 *section (a)(5) of K.S.A. 74-7005 and amendments thereto, shall end on*
 22 *June 30, 1998.*

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

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

30 Sec. 4. K.S.A. 1995 Supp. 74-7013 is hereby amended to read as
 31 follows: 74-7013. (a) The board may adopt all bylaws and rules and reg-
 32 ulations, including rules of professional conduct, which are necessary for
 33 performance of its powers, duties and functions in the administration of
 34 this act.

35 (b) The board ~~may~~, through rules and regulations, *may* adopt, en-
 36 force, and audit mandatory continuing education as a condition for license
 37 renewal or reinstatement for each of the technical professions as deter-
 38 mined by the board.

39 (c) *Subject to the provisions of subsection (d)*, it ~~shall be~~ *is* the re-
 40 sponsibility of the member or members of the board who hold a license
 41 to practice the profession for which an applicant seeks to be licensed, to
 42 provide and have graded any examination required by this act to be taken
 43 by such applicant.

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1 (d) Before January 1, 1997, it is the responsibility of the member of
2 the board described in subsection (a)(5) of K.S.A. 74-7005 and amend-
3 ments thereto to provide and have graded any examination required by
4 this act to be taken by an applicant for licensure to practice geology.

5 New Sec. 5. Minimum qualifications of applicants seeking licensure
6 as geologists are the following:

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

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

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

17 New Sec. 6. The provisions of this act requiring licensure or the
18 issuance of a certificate of authorization under K.S.A. 74-7036 and amend-
19 ments thereto to engage in the practice of geology shall not be construed
20 to prevent or to affect:

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

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

28 (c) The acquisition of engineering data, geologic data for engineering
29 purposes and the utilization of such data by licensed professional engi-
30 neers.

31 (d) Performance of work customarily performed by graduate physical
32 or natural scientists.

33 New Sec. 7. (a) Subject to the provisions of subsection (b), a person
34 who applies for licensure as a geologist before July 1, 1997, 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

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

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

28 ~~(e) (b) The acquisition of engineering data, geologic data for engineering~~

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

33 ~~New Sec. 7. (a) Subject to the provisions of subsection (b), a~~ A person
34 ~~who applies for licensure as a geologist before July 1, 1997, shall be con-~~
35 ~~sidered to be qualified for licensure, without further written examination~~

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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), in the
4 discretion of the board, may 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, 1996, 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 July 1, 1996, and before July 1, 1997, upon appli-
13 cation, a person who holds a valid certification from the American insti-
14 tute of professional geologists or the division of professional affairs of the
15 American association of petroleum geologists may be issued a license as
16 a geologist pursuant to this act.

17 Sec. 8. K.S.A. 74-7005 and 74-7006 and K.S.A. 1995 Supp. 74-7003
18 and 74-7013 are hereby repealed.

19 Sec. 9. 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, may 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 ~~(e) (b) Upon application, a person who is licensed, registered or certified~~

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

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Kansas Engineering Society

A state society of the National Society of Professional Engineers

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TESTIMONY

Substitute for HB 2471

Senate Governmental Organization Committee

March 12, 1996

Chairman Ramirez, 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 do not oppose Substitute for HB 2471 in its substitute form

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 services in geotechnical related areas to continue offering those services to the public.

Respectfully Submitted by,

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

*Senate Governmental Organization
Attachment 9
3/12/96*