

Approved: 5-3-97
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:25 a.m. on March 27, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Mr. Jon M. Callen, President, Edmiston Oil Company, Inc., Wichita
Mr. John F. Szturo, Association of Engineering Geologists, Kansas City, Missouri
Mr. Steven C. Montgomery, Kansas Geological Society, Topeka
Mr. Lawrence H. Skelton, Kansas Geological Society & Library, Wichita
Mr. Charles Stryker, Chairman, Board of Technical Professions
Mr. F. Doyle Fair, Petroleum Engineer, Wichita

Others attending: See attached list

The hearings were opened on:

HB 2490: An act concerning the practice of geology; providing for licensure and regulation as a technical profession.

Mr. Jon Callen, president of Edmiston Oil Company, Inc., Wichita, spoke as a proponent of the bill (Attachment #1). Mr. Callen noted that **HB 2490** contained the same provisions of the bill that passed the house last year but was not passed out of the Senate. He discussed three issues, finances, petroleum exemption and grandfathering, which resulted in the bill not being passing. He told the committee the money issue should be an easy problem to resolve with the Board's proposal to allow a three-year period to study the inclusion of geologists under the Board of Technical Professions. In regard to the petroleum exemption, he explained that each profession has the privilege of self-determination, and he believed that courtesy should be extended to geologists. He argued if petroleum engineers can practice with licensure, petroleum geologists can practice with the requirement of a license. Concerning the grandfathering issue, Mr. Callen told the committee the geologists and the Board were at an impasse; that geologists favor current language, and the Board wants no grandfathering without passage of the national exam. He pointed out that failure to pass this legislation because of this conflict would mean there would be no restrictions on anyone who calls himself a geologist. Mr. Callen said he believed this bill, with grandfathering included, was superior to having no bill at all, and he asked the committee to vote favorably on the measure.

Mr. John F. Szturo, Association of Engineering Geologists, Kansas City, Missouri, a proponent of **HB 2490**, talked about engineering geologists and their function, (Attachment #2), saying that they bear an important share of the responsibility for public health, safety and welfare and should be registered and regulated. He spoke on the issue of grandfathering and pointed out that, during the short grandfathering period, licensing includes rigid educational requirements and several years of experience. Mr. Szturo said the bill would provide for qualified, examined geologists for Kansas. He told the committee that passage of **HB 2490** will further ensure protection of the citizens of Kansas by providing qualified professionals.

Mr. Steven C. Montgomery, registered lobbyist for the Kansas Geological Society, addressed the committee in support of **HB 2490** (Attachment #3) and focused his comments on the grandfathering provisions of the bill. He said he knew of no profession, newly licensed, that did not have some type of grandfathering provisions. He pointed out that the bill, in its present form, combined education requirements with experience

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MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E- of the Capitol, at 11:00 a.m. on March 27, 1997.

requirements to assure that any geologist eligible to be licensed via "grandfathering" meets high competency standards. On behalf of the Kansas Geological Society, he urged favorable consideration of **HB 2490**.

Staff clarified provisions of the bill, noting it contained no exception to the examination requirement for licensing.

Mr. Lawrence H. Skelton, Kansas Geological Society and Library, Wichita, an opponent of the bill, summarized the views of the Society which he said had actively pursued a state registration bill for geologists each of the last three years (Attachment #4). He told the committee the Society believes such a bill is required to provide protection to the public from untrained geologists and to put Kansas geologists on a level playing field with geologists in twenty-three other states currently licensing or registering geologists. In regard to the grandfathering issue, Mr. Skelton stated that it is common public policy, and justified, to allow grandfathering for a limited time after registration laws are enacted.

Discussion followed regarding the grandfathering provision and educational background of members of the Society, with Mr. Skelton explaining that, during his sixteen years with the Society, he was aware of only three who did not have degrees in geology.

Mr. Charles Stryker, Chairman of the Board of Technical Professions, spoke in opposition to **HB 2490** (Attachment #5), saying the Board has concerns with the grandfathering provision, and that its primary concern pertained to the health, safety and welfare of the public. Mr. Stryker advised that the Board has established high standards for evaluating the qualifications of individuals through education, experience and examination, and that these standards enable the Board to carry out its statutory function, which is to safeguard the life, health, property and welfare of the public. He pointed out that, if **HB 2490** becomes law, geologists will be the only profession the Board supervises that does not conform to the standards of the other professions. Mr. Stryker told the committee the Board has made significant compromises to favorably pass this legislation but requests deletion of the grandfathering provision.

Mr. Stryker commented that the Board is a fee funded agency, not funded out of the State General Fund, and enactment of **HB 2490** would require additional money for the program.

Mr. Doyle Fair, petroleum engineer, Wichita, an opponent of **HB 2490** (Attachment #6), said one of his concerns with the bill is that it does not address petroleum engineers practicing geology in the oil and gas industry. He said it would change the way the geological and engineering professions within the oil and gas industry have operated since oil was discovered in Kansas. He stated that the Kansas oil and gas industry functions quite well without licensing petroleum geologists.

Mr. Fair discussed the experience of other states in regard to the licensing of geologists. He pointed out that effective screening for any licensing program should include both evidence of past performance and current proficiency, and he offered a balloon version of **HB 2490** (Attachment #7) indicating the changes he recommended to the bill.

Senator Oleen acknowledged additional written testimony submitted in support of the bill:

- Mr. Dennis E. Hedke, a geological and geophysical consultant, Wichita (Attachment #8)
- Mr. William Gilliland, a geologist, Topeka (Attachment #9)
- Mr. Lee C. Gerhard, State Geologist and Director of the Kansas Geological Survey (Attachment #10)

The hearings were closed on **HB 2490**, and Senator Oleen appointed Senator Schraad and Senator Jones to serve on a subcommittee with her to further study the issue. Senator Schraad will chair the subcommittee.

Senator Oleen asked the committee to turn its attention to **SB 21** which pertains to the licensure to carry concealed weapons. She indicated the sponsor of the bill had requested that the bill be reported unfavorably.

Senator Becker moved to report unfavorably **SB 21** to the full Senate. Senator Jones seconded the motion. The motion carried.

Senator Oleen called attention to **SB 230**, regarding abortion and the requirements for informed consent, and **SB 233**, regarding abortion and the definition of viable. She reminded the committee that both bills had been discussed in committee, that **SB 233** had been tabled, and she would entertain a motion to report them unfavorably to clear the bill books.

Senator Biggs moved that **SB 230** be reported unfavorably to the full Senate. Senator Gooch seconded the

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motion, and the motion carried.

Senator Biggs moved that SB 233 be reported unfavorably to the full Senate. Senator Gooch seconded the motion. The motion carried.

Discussion followed on SB 306, which pertains to special investigators for SRS, and the two policy issues it involved: allowing SRS investigators to attend law enforcement training and giving them law enforcement authority.

Senator Bleeker moved that SB 306 be reported unfavorably to the full Senate based on the unknown status of legislation concerning carrying concealed weapons. The motion did not receive a second, and Senator Bleeker asked that it be withdrawn. The bill will remain in committee.

Senator Oleen then turned to SB 307, pertaining to jurisdiction of KU Medical Center police officers, noting a similar bill had been amended on the Senate floor and sent to the House.

Senator Jones moved to report SB 307 unfavorably to the full Senate. Senator Becker seconded the motion, and the motion carried.

Senator Oleen recalled that hearings had been held last week on HB 2159 concerning licensure to carry concealed weapons. She noted that discussions had begun but not completed on the bill and that there appeared to be strong feelings on the issue. She indicated she would entertain a motion to report the bill without recommendation to the full Senate.

Senator Becker moved to report HB 2159 without recommendation to the full Senate. Senator Bleeker seconded the motion, and the motion carried.

The meeting adjourned at 12:30 p.m. The next meeting of the committee will be on call of the chairman.

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**STATEMENT OF JON M. CALLEN, PRESIDENT
EDMISTON OIL COMPANY, INC.
before the
Federal and State Affairs Committee
March 27, 1997**

RE: H.B. 2490 - Licensing of Geologists

I am Jon M. Callen, 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 practicing geologist with a Master of Science degree in Geology from Wichita State University.

I am a member in good standing and past president of the **Kansas Society of Professional Engineers**. I am also a member of the **Kansas Geological Society**. I am not testifying on behalf of the Kansas Society of Professional Engineers, nor should any of my testimony be construed as an endorsement by the Kansas Society of Professional Engineers. They will present their testimony relating to this bill through their representative. I am here to testify on House Bill 2490, using my experience as a private citizen to speak in favor of the bill. I support House Bill 2490, which would license geologists under the supervision of the **Kansas State Board of Technical Professions**.

The earth scientists and engineers are two complimentary professions. Earth scientists are not design professionals, thus they should not have a practice conflict with engineers. Geologists who are educated and experienced in engineering geology, environmental geology, and groundwater geology have become an increasingly important part of the civil engineer's team. As part of this team, geologists' analysis have a direct affect on the engineering decisions made, and therefore, also affect the public health, safety, and welfare. Both the public and the engineering professions should want to ensure that geological knowledge that is used by other professionals is presented by qualified individuals.

Increased costs have caused many engineering curriculums to be "downsized" to exclude surveying and geology from their programs. Usually, what geology was taught was the introductory nature that did not relate to engineering geology. This makes it even more important to engineers that supporting scientists be licensed, not just to protect the public, but to also protect the engineers. The professional licensure of geologists whose practice is relevant to or supports the planning, design, operation, and maintenance of engineering works shifts the responsibility, accountability, and liability for geologic interpretations and

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conclusions from the engineer who uses the information to the geologist who created the information.

This bill is now on its fourth attempt over 8 years for passage. The first attempts failed because the original bill was based on a national model that did not conform with Kansas' structure. In addition, there were several areas of conflict in language between the geology and engineering professions. The bill has been rewritten to conform with the structure of Kansas' law. In addition, the geology and engineering professions met during the summer of 1995 to resolve the language conflicts between the two professions. Those meetings included the leading representatives of the **Kansas Society of Professional Engineers, the Kansas Consulting Engineers, and the Kansas Geology Society.**

This bill, in its current form, was recommended by the House committee and it passed the House with the necessary majority. This is the same bill that passed the House last year. It stalled in the Senate last year in Chairman Rameriz's committee over three issues: Financing, the Petroleum Exemption, and Grandfathering. I wish to offer comment related to those three issues.

FINANCES

The first issue is related to finances. The startup costs are the problem. The problem involves a few tens of thousands of dollars as a one time infusion into the Board to start up in a state budget of approximately \$2 billion dollars. Based on the history of other states, the number of geologists expected to register will cover the ongoing costs. Surely, if it is the desire of the legislature to pass this bill, the issue of a few tens of thousands of dollars can be worked out. With the adoption of the Board's amendment to give a three year period to study the inclusion of geologists under the Board of Technical Professions supervision, the money issue should be an easily solved problem.

PETROLEUM EXEMPTION

The second issue relates to the petroleum exemption. First, it is important to note that each profession supervised by the Board of Technical Professions has their own exemptions. Those are covered in **K.S.A. 74-7031 through 74-7034**, which I have attached to this testimony. Those exemptions have been adopted by each profession. The engineers have an exemption known as the "industrial exemption" which exempts approximately 65% of the engineers from the requirement of being licensed. In fact, most engineers working in the petroleum industry are able to do so without a license because of the industrial exemption.

Each profession has been given the privilege of self determination and I believe that courtesy should extend to the geologists as well. Those geologists who practice in the area of "public works" projects alongside other licensed professionals, believe that their profession deserves the same protection and respect afforded the others. Surely if petroleum engineers can practice with licensure, petroleum geologists can practice with the requirement of a license.

GRANDFATHERING

The third item relates to grandfathering. This issue is one where the geologists and the Board of Technical Professions have reached an impasse. Geologists favor the current grandfathering language. The Board wants no grandfathering without passage of the national exam. The geology profession does not wish to endorse and support a bill that would eliminate someone who is currently practicing as a geologist from their commercial enterprise.

The grandfathering language in this bill is a compromise from that introduced in the first bills offered. This bill requires a four year degree and at least four years of current experience to qualify. This restriction would restrict some competent practicing "geologists" who have self educated themselves from calling themselves a geologist. It also requires current experience as a geologist as a further requirement. (This would eliminate those with degrees but who haven't practiced in several years from grandfathering in). Under this bill, if one has no degree, one can't get licensed. If one has a degree but stale experience, one can't get licensed.

Finally, the test currently recognized for its national scope is still in its infancy. It has not withstood the test of time that the exams given to the other professions enjoy. The pass rate of the national test has been very low across the country. One state is even considering abandoning the national test and adopting one of their own design. By adding education and experience requirements to the profession, Kansans won't be hurt by giving the geology profession more time to resolve their differences with the test.

Ultimately, failure to pass this legislation because of the conflict over grandfathering simply means there are **no restrictions whatsoever** on anyone who wants to call himself a geologist and practice in the area of environmental remediation, or water resources, or foundation design. I think this bill with grandfathering included is superior to having no bill at all.

In conclusion, I would recommend the committee vote favorably on this bill. The public will be better served by this bill than by no bill at all. I believe that passage of this bill is good for the people of Kansas, good for the profession of Geology, and should receive favorable action by this committee.

Thank you for the opportunity to address you and share my views on this issue.

74-7031. Architecture; exemptions from requirements for licensure or certification; definitions. The provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 and amendments thereto to engage in the practice of architecture shall not be construed to prevent or to affect:

(a) The practice of any person engaging in the publication of books or pamphlets illustrating architectural designs.

(b) Persons preparing plans, drawings or specifications for one and two family dwellings or for agricultural buildings.

(c) Persons furnishing, individually or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments or service, or other data concerning the labor and materials to be used for any of the following as long as the utilization of the uniform building code or life safety code, as currently adopted by the division of architectural services of the state of Kansas is not required:

(1) Store fronts or facades, interior alterations or additions, fixtures, cabinet work, furniture, appliances or other equipment;

(2) work necessary to provide for installation of any item designated in subsection (c)(1);

(3) alterations or additions to a building necessary to or attendant upon installation of any item designated in subsection (c)(1), if the alteration or addition does not change or affect the structural system of the building, which structural system includes, but is not limited to, foundations, walls, floors, roofs, footings, bearing partitions, beams, columns or joists.

(d) Work involving matters of rates, rating and loss prevention by employees of insurance rating organizations and insurance service organizations and insurance companies and agencies.

(e) The performance of services by a licensed landscape architect or corporation issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036 and amendments thereto in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

(f) For the purposes of this section:

(1) "Building" means any structure consisting of foundation, floors, walls, columns, girders, beams and roof, or a combination of any number of these parts, with or without other parts and appurtenances thereto, including the structural, mechanical and electrical systems, utility systems, and other facilities as may be required for the structure.

(2) "Agricultural building" means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products for farm storage of farming implements.

Such structure shall not be a place for human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a building or structure for use by the public.

History: L. 1978, ch. 326, 23; L. 1980, ch. 244, 10; L. 1992, ch. 240, 20; Jan. 1, 1993.

74-7032. Landscape architecture; exemptions from requirements for licensure or certification. The provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 and amendments thereto to engage in the practice of architecture shall not be construed to prevent or to affect:

(a) The right of any individual to engage in the occupation of growing and marketing nursery stock or to use the title nurseymen, landscape nurseymen or gardener, or to prohibit any individual to plan or plant such individual's own property.

(b) The right of nurserymen to engage in the preparing and executing planting plans.

(c) The practice of site development planning, in accordance with the practice of architecture, or the practice of engineering.

History: L. 1978, ch. 326, 24; L. 1980, ch. 244, 11; L. 1992, ch. 240, 21; Jan. 1, 1993.

74-7033. Engineering; exemptions from requirements for licensure or certification. The provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 and amendments thereto to engage in the practice of architecture shall not be construed to prevent or to affect:

(a) The design or erection of any structure or work by the owner thereof, upon such owner's own premises for such owner's own use.

(b) Persons preparing plans, drawings or specifications for one or two family dwellings or for agricultural buildings.

(c) Persons engaged in planning, drafting and designing of products manufactured for resale to the public.

(d) The performance of services by a licensed landscape architect in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

History: L. 1978, ch. 326, 25; L. 1980, ch. 244, 12; L. 1992, ch. 240, 22; Jan. 1, 1993.

74-7034. Land surveying; exemptions from requirements for licensure or certification. The provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 and amendments thereto to engage in the practice of architecture shall not be construed to prevent or to affect:

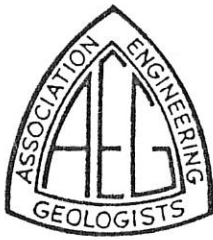
(a) Surveying, other than land surveying where such surveying is incidental to the design or construction of engineering or architectural works.

(b) The practice of land surveying by an individual of such individual's own real property or that of such individual's employer for purposes other than the conveyance of an interest in such real property.

(c) The surveying on farms for agricultural purposes other than the conveyance of an interest in such farm property.

(d) The performance of services by a licensed landscape architect or by a corporation issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-3036 and amendments thereto in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

History: L. 1978, ch. 326, 26; L. 1980, ch. 244, 13; L. 1992, ch. 240, 23; Jan. 1, 1993.



Association of Engineering Geologists

KANSAS CITY — OMAHA SECTION

Reply to:

John F. Szturo, HNTB Corp., 1201 Walnut, Suite 700, Kansas City, Missouri 64106

March 11, 1997

Kansas House Governmental Organization and Elections Committee

RE: House Bill 2490 - Geologists Practices Act of 1997

Dear Committee Members:

As chairman of the Kansas City - Omaha Section, of the Association of Engineering Geologists, I am providing testimony in favor of House Bill 2490. The Kansas City - Omaha Section represents 80 engineering geologists in the States of Kansas, Missouri, Nebraska, Iowa, South Dakota, and North Dakota. The Association of Engineering Geologists, nationally, represents over 2500 professionals in engineering, environmental, and ground water geology.

The geologists of the AEG apply their scientific training and experience to the broad field of civil engineering. Engineering geologists work in close coordination with construction, foundation, highway and hydraulic engineers. AEG members are also involved in the development and protection of safe public drinking water and aquifers. They also assist in the detection and disposal of hazardous wastes. Many of the works associated with these professionals involve foundations for bridges, dams, power plants, large buildings and towers. They also interpret geologic conditions for tunnels, highways, railroads and pipelines. They evaluate geologic hazards such as bridge foundation scour (one of the leading causes of bridge failure), landslides, faults, earthquakes, radon, asbestos, ground subsidence, caverns, as well as expansive and collapsing soils. They also evaluate safe disposal of waste to the earth, land use planning and environmental impact analysis.

The Engineering Geologist bears an important share of the responsibility for the public health safety and welfare insofar as engineering works are affected by geologic factors.

As chairman of the local section of Association of Engineering Geologists, and as a geologist working in Kansas, I would like to voice my support for this much needed Act. Many of the states adjacent to Kansas currently recognize the need

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and register geologists. As a matter of fact, 25 states now have active registration laws. These laws provide for the suspension and punishment of unethical and unqualified practice. Another fact is 135 of the 911 geologists recently registered in Missouri have a Kansas mailing address. Clearly, these Kansas geologists have met the standards required by surrounding states. Kansas should also regulate the geologists who come to practice in this state. Many of these states laws are similar in format to those which exist in all states for the engineering profession. Additionally, the American Society of Civil Engineers (ASCE) in a 1995 policy statement, supports the registration of geologists. Their position is based on their need for competent geologic data to base engineering decisions. Standard qualifications are also needed for geologists. This Act provides for these qualifications through experience and examination.

The issue of grandfathering is an often asked question in new registration acts. Licensing during the short grandfathering period includes rigid educational requirements and several years of experience as well as a review of each applicant. Over the long term, The Act will provide for qualified, examined geologists for Kansas.

The citizens of Kansas deserve qualified professional geologists to oversee man's interaction with the environment. They also deserve sound, judgment when it comes to safe water, disposing of contaminants, waste management, design, construction and operation of fixed engineering projects, as well as identification of geologic hazards. Passage of the HB 2490 will further insure the protection of the citizens of Kansas by providing qualified professionals to make these judgments and assessments.

Respectfully submitted

John F. Szturo
Chairman, Kansas City - Omaha Section,
Association of Engineering Geologists

STEVEN C. MONTGOMERY, Chartered

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TO: Senate Federal & State Affairs Committee
FROM: Steve Montgomery, Kansas Geological Society
RE: HB No. 2490
DATE: March 27, 1997

Background on the Kansas Geological Society

The Kansas Geological Society is a not for profit organization with its main office located in Wichita. The Society was originally organized in 1923 for the purpose of providing support and education for its members. Its current membership consists of approximately 800 geologists located throughout the State of Kansas.

Background of HB 2490

The purpose for licensing geologists is similar to the purpose for licensing other professions. That is, when the work done by professionals impacts the public health, safety and welfare to a critical extent, sound public policy demands that the professional group implement licensing procedures together with competency requirements. Geologists presently are responsible for the earth conditions of projects such as tunnels, highways, pipelines, bridges and dams; all of which require professional services of the highest competence.

"Grandfathering" Geologists Current in Practice.

Newly implemented licensing of professions inevitably raises the issue of licensure criteria for new professionals and for people currently in the profession. Regardless of the profession, there is a general recognition that there are current professionals who are imminently qualified and competent to

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acquire their license without written examination. The pre-existing competence arises from a combination of education and experience.

New Section 7 at pps. 6-7 of the bill addresses the issue of grandfathering. Applicants prior to July 1, 2001 may be licensed without written examination if the following criteria is met:

1. A minimum of four years professional practice; and
2. An undergraduate degree is geology or a four year undergraduate degree with 30 semester hours or 45 quarter hours in geology.

At lines 5-10 on page 7, the Board of Technical Professions is granted the discretion to require written testing if an applicant was not in practice on July 1, 2000, and not practicing for at least four of the eight preceding years. HB 2490 blends educational and practice requirements to assure that any geologist eligible to be licensed via "grandfathering" must meet extremely high competency standards. Additionally, New Section 7 (c) provides that geologists from foreign jurisdictions may become licensed in Kansas without written examination only if the licensing standards in their home jurisdiction were at least as strenuous as those in Kansas. These provisions assure that a minimum level of competency will exist for those currently practicing geology in Kansas regardless of whether their home jurisdiction is in Kansas.

Summary

In a time when profession are often criticized for not policing their own, it is refreshing to see that the geologists are interested in imposing levels of competency upon themselves consistent with their public responsibilities. The public will be the ultimate beneficiary. On behalf of the Kansas Geological Society, I urge your favorable consideration of HB 2490.



Kansas Geological Society & Library

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WRITTEN TESTIMONY OF LAWRENCE H. SKELTON

before the
Kansas Senate Committee on Federal and State Affairs
on the
Geologist Registration Bill
27 March 1997

Senator Oleen, members of the committee: I am Lawrence Skelton, a resident of Wichita and am testifying as president of the Kansas Geological Society. The Society has been in continuous existence since 1923 and is a professional organization of approximately 800 geologists who mainly are employed in the energy, environmental, geohydrology (ground water), and mining industries. Our members all have baccalaureate degrees in geology or an earth-science equivalent such as geochemistry, geophysics, etc. Approximately one fifth of our membership holds masters degrees and 25 members possess doctorate degrees in geology.

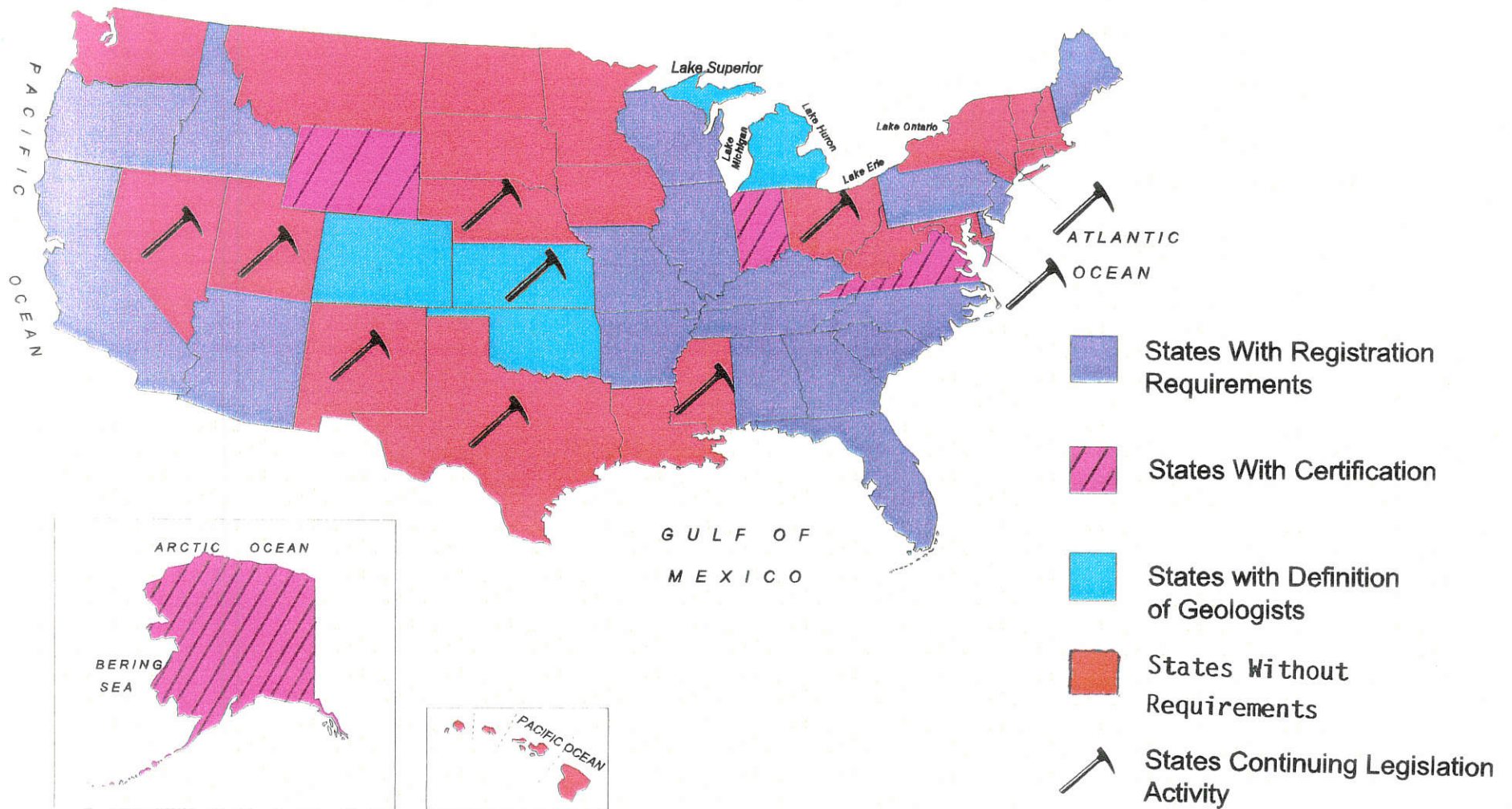
The Kansas Geological Society has actively pursued a state registration bill for geologists for each of the last three years and sporadically quested the same in earlier years. We believe that such a bill is required to both provide protection to the Kansas public from generally untrained "sham" geologists who operate on the very border of legality and to put Kansas geologists on a "level-playing-field" with geologists in 23 other states currently licensing or registering geologists. Geology is a mobile profession. Many of our Society members frequently work in Nebraska, Wyoming, eastern Colorado, Oklahoma and Missouri just as geologists from these states work in Kansas. Missouri, a state requiring registration, presently lists on its rolls, some 130 geologists having a Kansas address.

An issue in this bill has been "grandfathering." This practice allows *experienced* geologists to become registered without examination *if they meet all other qualifications*. Grandfathering is typically allowed for a limited time after registration laws are enacted, is common public policy and is justified because seasoned professionals have advanced beyond basic academic knowledge and entry-level skills.

In summary, the Geologists' Registration Bill as presented before you today has the support of the Kansas/Nebraska Section of the Association of Engineering Geologists which is the other professional geological organization in the state, has the acquiescence of the Kansas Society of Professional Engineers and is ardently supported by the Kansas Geological Society.

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STATUS OF LICENSING FOR GEOLOGISTS



ATTACHMENT 1

Data Source: AIPG 02/20/97

4.2

Comparison of Proposed Kansas Geologist Licensure Act With Requirements in Other States

Registration Standards from Association of State Boards of Geology (May 1996)

STATE	REQUIREMENTS							AUTHORITY			EXEMPTIONS							
	BS/BA Geoscience	BS/BA Engineering	Minimum Credit Hours (Sem)	Work Experience (yrs post-BS/BA)	Specialty Available/Required	Geophysics	Fundamentals Exam	Prin/Practice Exam	Reciprocity	Temporary Registration	Practice Agreement (PE's)	State/Municipal Employees	Subordinates	Engineers	Teaching/Research	Other Professionals	Exploration/Non-Public	ASBOG Member State
REMARKS	Y = Required for or Exempt from registration BLANK = NOT required or unspecified for registration																	
<i>Kansas</i>	Y		30	4			Y	Y	Y		Y		Y	Y	Y	Y	Y	
<i>State Licensure Requirements</i>																		
Alabama	Y	Y	30	5	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Alaska (AIPG)	Y	Y	36	5		Y			Y									
Arizona				4			Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	
Arkansas	Y	Y	30	5	Y		Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
California			30	5	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	
Delaware	Y		30	5					Y	Y		Y	Y	Y	Y	Y	Y	
Florida	Y		30	5			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Georgia	Y	Y	30	3	Y		Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Idaho			30	5			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Illinois	Y	Y	30	4	Y		Y	Y	Y			Y	Y	Y	Y	Y	Y	
Indiana (Cert)	Y	Y	30	5								Y	Y	Y	Y	Y	Y	
Kentucky	Y	Y	30	5			Y	Y	Y			Y	Y	Y	Y	Y	Y	
Maine	Y		30	5			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Minnesota	Y		30	4	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Missouri	Y	Y	30	3	Y		Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
North Carolina	Y	Y	30	3			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Oregon	Y	Y	30	5	Y		Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Pennsylvania	Y		30	5			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
South Carolina	Y		30	3			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Tennessee	Y		30	5								Y	Y	Y	Y	Y	Y	
Virginia	Y		30	3			Y	Y	Y			Y	Y	Y	Y	Y	Y	
Wisconsin	Y	Y	30	5			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
Wyoming (title)	Y		30	4			Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	
<i>Professional Society Certification</i>																		
AIPG	Y	Y	36	5					Y									
AAPG, DPA	Y	Y	30	8					Y									
SIPES	Y	Y		12		Y			Y									

Value of Common Standards

In 1993 the Council of Professional Geological Organizations (CoPGO) prepared the Suggested Geologist Practice Act (SGPA of 1993) in an effort to guide the profession of geology and the various State Legislatures who were in the process of enacting geologist licensure acts. The SGPA has been endorsed by numerous professional geological and engineering societies; including the American Association of State Geologists, the Association of Engineering Firms Practicing in the Geosciences; Association of Engineering Geologists, Division of Professional Affairs, American Association of Petroleum Geologists, Society of Independent Professional Earth Scientists and the Association of State Boards of Geology.

The goal of the Suggested Geologist Practice Act is uniformity between the geologist licensure acts passed by each state without violating any State's right to regulate a professional practice. As the table shows, geologist licensure acts generally have similar requirements for licensure as a professional geologist and to grant exemptions from licensure to similar groups. Uniformity of requirements for licensure benefits the public by setting a common level of expectation for the preparation and qualification of geologists practicing before the public and by increasing the competition between geologists through reciprocity.



Prepared by the
 Committee on Professional Licensure
 Association of Engineering Geologists
 as a Public Information Service for Kansas

STANDARDS AND REQUIREMENTS FOR LICENSURE AS A PROFESSIONAL GEOLOGIST

**INCLUDING THE PROPOSED
 GEOLOGIST REGISTRATION ACT
 IN KANSAS**

tion specialists from around the world to exchange ideas and develop shared goals for serving the international earth science community.

Nancy Blair

U.S. Geological Survey Library, 345 Middlefield Road, MS 955, Menlo Park, Calif. 94025

Blair is past-president of the Geoscience Information Society. She is a supervisory librarian with the U.S. Geological Survey in Menlo Park, Calif.

Professional Registration

Do you practice in one of the 23 states that have a registration board? Or in one of four other states that require state registration for some groundwater work? Are you an engineering geologist, environmental geologist, or hydrogeologist? If you answered yes to any of these questions, you are probably already well informed about professional registration.

1996 was the year in which more than half the states began to restrict the practice of geology by requiring registration. In Illinois, the most recent state to gear up for registration, practicing without it after June 1, 1997, will be a misdemeanor the first time and a felony if repeated.

Registration typically requires five elements: application form submitted with fees, good ethical character, academic qualifications, three to seven years of professional experience, and an examination. Registration can only be established through statute in individual states. It differs from certification by a professional association in significant ways.

Registration is intended to protect the public, whereas professional organizations have a dual responsibility to their members and society. Registration in a state is required for all geologists (with some exceptions); certification is voluntary and may be sought by only 10 percent of practicing geologists. Registration provides legal standing for one's qualifications in court; certification may establish standing only in a state without registration. Registration requires an examination (unless one is "grandfathered"); certification does not.

History

In the early 1960s, some geologists recognized the need for credentials beyond college degrees and experience. The American Institute of Professional Geologists (AIPG) was formed in 1963, in part to provide certification. Since then, nearly 10,000 geologists have had their education, experience, technical competence, and ethical conduct carefully screened and have been found worthy of the designation Certified Professional Geologist (CPG).

Beginning with Arizona (1956) and

California (1968), states began to license geologists. The need for and desirability of registration has been hotly debated in many forums. Members of the Association of Engineering Geologists (AEG) and AIPG have been strong supporters. Although many opponents remain, the rapid increase in the number of state registration boards from 18 in 1993 to 23 today suggests that the trend toward registration is unmistakable.

The National Association of State Boards of Geology (ASBOG) was created to link individual state registration boards. ASBOG, which currently has 12 member states, recognizes that there are many issues of common interest involving registration that should be coordinated among states. These issues (which ASBOG approaches from the perspective of protecting the public) include criteria for registration, testing, grandfathering, and reciprocity.

Then ASBOG President R.A. Baugh (CPG 4607) elaborated on his organization's responsibilities in these areas in a 1995 article in *The Professional Geologist* (v. 32, no. 10). He also presented reasons why a registered geologist should retain AIPG certification.

Meanwhile, AIPG may be redefining its role, as registration seemingly diminishes the significance of certification in states that have enacted licensing laws. Advocacy efforts at the state level are envisioned as increasingly important, and AIPG is considering two classes of membership — traditional certification and a new category for "member geologists" or "affiliated professionals" who are licensed and see no need for certification. The organization's advocacy role would involve improving the profession's image and prominence, lobbying, and keeping the registration boards evenhanded.

AIPG Executive Director W.V. Knight (CPG 0153) drew further distinctions between ASBOG and AIPG in the November 1995 issue of *The Professional Geologist* (v. 32, no. 12). Knight emphasized that each group represents a different constituency and argued that there is an increasing need, from the perspective of the practicing geologist, for AIPG to become more politically active.

Current issues and disparities

The profession and the state organizations involved with registration face several unresolved issues and concerns.

Interstate confusion. In three states (Colorado, Kansas, and Oklahoma), regulation of geology involves statutory definition of the profession and practitioners. In four states (Alaska, Indiana, Virginia, and Wyoming), practitioners are qualified by the state and the use of the title is restricted, but not the practice of geology. In 19 states (Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Idaho, Illinois, Kentucky, Maine, Minnesota, Missouri, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, and Wisconsin), practice is restricted to those registered in the state.

Comity and reciprocity. Comity is a courtesy, extended on a case-by-case basis, that allows a geologist recognized by one licensing entity to obtain recognition from another. Reciprocity entitles a geologist registered in one state to registration in a second state based upon equivalency of requirements. States have been slow to work out reciprocity agreements.

Examinations. Should the examination for professional registration be the same or at least equivalent from state to state to facilitate reciprocity? ASBOG has such an examination (which covers fundamentals as well as principles and practices), and the failure rate is high. (See "Licensing ("Registration") Examinations — Results Show A Disturbing Trend" by W.V. Knight in *The Professional Geologist*, v. 31, no. 8, 1994.) Must the examination established for one state be considered equivalent to that of another state for purposes of reciprocity? What role should questions about state geology play? What role should questions about professional report requirements in the state play?

Grandfathering. This practice allows highly experienced practicing geologists to become registered without examination if they meet all other qualifications. Grandfathering, which is typically allowed for only a limited time after registration laws are enacted, is common public policy and is justified because seasoned professionals have advanced beyond basic academic knowledge and entry-level skills, knowledge, and abilities. Should these registered geologists be eligible for reciprocity even though they have not taken the examination?

Exemptions. In states that require registration for practicing geology, federal employees are universally exempt (by sovereignty). In most of the states requiring registration, engineers and some other professionals are exempt (as a political reality). Subordinates (individuals reporting to a registered geologist who is in charge of the work) are exempt, otherwise no one could gain the experience required. Teachers and researchers are also exempt. A few states exempt geologists involved in the mineral industry.

Former AEG President R.E. Tepel explores these concerns and other aspects of registration in *Professional Licensure for Geologists* (AEG Special Publication No. 7, 1995).

Robert G. Corbett, CPG 4502

Department of Geography-Geology, Illinois State University, Normal, Ill. 61790-4400

Corbett chairs the Department of Geography-Geology at Illinois State University. He is also chair of the Academic Education Committee of the American Institute of Professional Geologists. In this role, he is particularly interested in achieving concurrence between college curricula in geology and registration examinations covering the fundamentals of geology.



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

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

STATEMENT TO THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
by the
KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
11:00 a.m., March 27, 1997 - Room 254-E

RE: House Bill 2490 - Regulation and Licensing of Geologists

The Board of Technical Professions appreciates the opportunity to testify before the Committee. I am Charles Stryker, Professional Engineer, and Chairperson of the Board of Technical Professions. Also with me today are Chip Winslow, Landscape Architect Member of the Board; Murray Rhodes, Land Surveyor Member of the Board; and Betty Rose, Executive Director of the Board.

The 1996 session of the Kansas Legislature recommended that the Board of Technical Professions meet with the Geologists to work out conflicts with the proposed legislation. The Board met with geologists last year during the session, and several items were agreed to. The bill you have before you today contains compromised language that has been amended by the House Business and Commerce Committee, and the House Committee of the Whole. One of the Board's primary concerns pertained to exemptions for the practice of geology, specifically, for oil and gas exploration. The board believes that some oil and gas exploration affects the health, safety, and welfare of the public. The Board of Technical Professions proposed suggested language, which is contained on Page 6, New Section 6 (b), lines 22-27. The board's concern has been addressed by this amendment.

The Board's other primary concern pertaining to the health, safety, and welfare of the public, however, has not been addressed. The Board strongly believes that a grandfathering provision, as stated in New Section 7 of the bill, does not adequately protect the public by "grandfathering" a large number of licensees into a profession. The Board of Technical Professions has established high standards for evaluating the qualifications of individuals through education, experience, and examination. These standards are like a three-legged stool, and are commonly referred to as the "Three E's". All are equally critical when assessing whether an individual is minimally competent to practice a technical profession. These standards enable the Board to carry out its statutory function to safeguard the life, health, property, and welfare of the public, and to establish and maintain a high standard of integrity, skills, and practice in the technical professions.

The issue for the Board is that the other professions for Engineering, Architecture, Landscape Architecture and Land Surveying require examination. If this bill includes the provision for grandfathering with

the exemption from examination, the geologists will be the only profession that we supervise that does not conform to the standards of the other professions. We particularly find subsection 7(d) to be onerous with the only requirement of being a "dues paying member of an association" to be the qualification for a professional license.

The Board of Technical Professions has had experience with individuals who have been licensed into a technical profession by being grandfathered. A majority of the board's disciplinary cases have been related to professionals who were grandfathered into a profession. These investigations require expensive and exhaustive disciplinary investigations by the Board.

In conclusion, the Board of Technical Professions feels that significant compromises have been made to favorably pass this legislation, but request that this committee delete the New Section 7, provision for grandfathering, in order to protect the health, safety, and welfare of the citizens of Kansas. If you need any further information, please feel free to contact me at (913) 354-9953 or at the Board office.

Thank you.

WHAT IS THE BOARD OF TECHNICAL PROFESSIONS?

The primary function of the Board of Technical Professions is to carry out its statutory authority to protect the health, safety and welfare of the general public by regulating the professions of Engineering, Architecture, Land Surveying, and Landscape Architecture. A significant amount of the Board's efforts involve monitoring and regulating the practice of technical professions. The Board members review investigations and conduct formal disciplinary hearings. In addition, the Board processes applications for examination of candidates and licensure of qualified individuals and corporations in the technical professions. The total number of current licensees is 12,221. The present number of Intern Engineers is 12,417. The Board of Technical Professions was created by the 1976 Legislature to consolidate the former Kansas State Registration and Examining Board of Architects, State Board of Engineering Examiners, and the Kansas State Board of Registration and Examination of Landscape Architects. That Board had eight (8) members from the four (4) professions of engineering, architecture, land surveying and landscape architecture and one (1) public member. The 1992 Legislature increased the size of the Board from nine (9) to thirteen (13) members, and provided additional authority to enforce the Board of Technical Profession's Practice Act. The current membership of the Board consists of four (4) engineers, three (3) architects, two (2) land surveyors, one (1) landscape architect, and three (3) members from the general public. The board holds regular board meetings approximately 6 times a year. All of the board's work, as well as meetings, are conducted in a committee forum with the architects and landscape architects working together as a committee, and the engineers and land surveyors working as a committee to review issues specific to those professions. Then, all 13 members meet with staff and board counsel as a full board to discuss committee recommendations, board policy issues, and disciplinary matters.

F. DOYLE FAIR
Petroleum Engineer
Wichita, Kansas

**Comments On Substitute House Bill No. 2490 On March 27, 1997
Before The Senate Federal And State Affairs Committee**

Sen. Federal & State Affairs Comm.
Date: 3-27-97
Attachment: #6

I am Doyle Fair and one of my concerns is that the bill does not address the position of petroleum engineers practicing geology in the oil & gas industry. HB 2490 changes the way the geological and engineering professions within the oil & gas industry have operated since oil was discovered in Kansas. There is a natural cross-over of petroleum geologists practicing engineering and petroleum engineers practicing geology. Licensing has never been a big issue with petroleum engineers in Kansas. Consequently, most are not licensed. I do not know of a single instance where the *State Board of Technical Professions* has taken a petroleum engineer to task for practicing engineering without a license.

Petroleum geologists want their area of practice in the oil & gas industry to be excluded when defining "*practice of geology*". This bill does that. It does not speak to the issue of petroleum engineers that regularly "*practice geology*" as defined in paragraphs (0)(1) and (0)(3) of Section 1 appearing on page 4 of the bill.

The Kansas oil & gas industry functions quite well without the licensing of petroleum geologists. The petroleum geologists apparently agree, because they do not want their everyday exploration and development activities to be classified as practicing geology. One of my suggested changes is an attempt to treat petroleum engineers the same whether licensed or not.

Proponents of this bill want ALL geologists to have a chance to obtain a license with little additional effort on their part. Petroleum geologists also want to have their area of practice exempt from the definition of "*practice of geology*". In seeking those goals a barrier has been erected for unlicensed petroleum engineers.

This bill would license petroleum geologists and in effect put them on equal footing with ALL licensed engineers, regardless of the specific engineering discipline. Working in the same area of expertise as another profession is permissible if both are licensed. Unlicensed petroleum engineers in the oil & gas industry will no longer be able to legally provide some services because the bill's exceptions for "practicing" geology pertains only to licensed engineers. How state agencies having contact with the oil & gas industry interpret the statute for their agency is also a concern of mine. I see these agencies as having more stroke than the *State Board of Technical Professions* when it comes to deciding what affects the public health, safety and welfare. It is appropriate to have the statute contain language that identifies the profession of petroleum engineering and gives it the same oil & gas industry exemption to be enjoyed by petroleum geologists.

The *State Board of Technical Professions* was created to supervise some technical professions. My records indicate that 5 committee hearings have been held for the licensing of geologists wherein 4 bills and 1 substitute bill have been discussed. Two of these bills were this year. The first bill in 1993 was "go for the gold". Each successive bill was modified. I am confident if this bill is not passed as drafted there will be another bill next year that will be different. Petroleum geologists appear to want licensing the most and desire to put forth the least effort. No geologist has said they would not take an exam -- they just don't want to take one.

Requiring ALL geologists to take an exam is really a non-debatable issue when considered in light of the *State Board of Technical Professions* mandate to safeguard public health, safety and welfare. No petroleum geologist will be prevented from practicing in the oil & gas industry if they do not take and pass an exam. Under this bill both the licensed and unlicensed petroleum geologists are not practicing geology -- they are exempt from regulation by the *State Board of Technical Professions*. Non-petroleum

geologists are probably in the environmental arena and establishing their current competency is important.

After this bill came out of the House Committee, some oil & gas states were called to see if a geologist had to be licensed to practice. We have been told about licensing in Iowa and Missouri. Oklahoma does not have licensing and it is as close as Missouri. It also has a lot more oil & gas wells.

When licensing of geologists in Kansas first appeared in 1993 Wyoming was held out as an example. Exhibit A is the first 3 pages of a FAX I recently received. On page 1 note that the original statute was approved in 1991 and has been amended every 2 years thereafter. It appears it was not well conceived in the first place. Page 2 is an index and on page 3 I would like to call your attention to the hi-lited portion:

...clarifying and expanding licensing and certification requirements and exemptions from licensure; eliminating requirements for geologist approval of government and other reports containing geological data...

I have heard in the legislative corridors that the *State Board of Technical Professions* does not want to take on any more professions. Not so. The *State Board of Technical Professions* has expressed their willingness for at least a year to add the geologists if the Board could test those they are being asked to license.

Arkansas has been held out as one of the states with licensing of geologists. In 1987 they created the *State Board of Registration for Professional Geologists*. A section of the enabling statute reads:

The Board shall waive academic requirements for a person already practicing geology on the effective date of this Act.....

The Kansas Legislature created the *State Board of Technical Professions* and apparently the Board is doing a good job. The Board has agreed to requiring only a professional practice exam during the first year. In addition, they have agreed to design an exam so an acceptable percentage pass.

Exhibit B shows my suggested changes for this bill which do the following:

1. Gives the unlicensed engineer the same oil & gas industry exemption to be enjoyed by the unlicensed petroleum geologist.
2. It requires all applicants for geological licensing to take at least a professional practice exam.
3. It eliminates the exemption for advanced degrees. If the concern is for teachers in the educational system then identify that group for an exemption. Other states take that approach.

Effective screening for any licensing program should include both evidence of past performance and current proficiency.

Proponents of this bill have pointed to the exemptions given certain work areas in the professions of architecture, landscape architecture, engineering and land surveying. I seriously doubt if 90% of the people working in those professions were given exemptions when licensing was enacted for their profession. HB 2490 is like the tail wagging the dog; petroleum geologists who represent probably 90% of the membership of the *Kansas Geological Society* (according to their testimony) want to be licensed without an exam and exempt from regulation.

What is the public getting from HB 2490? A petroleum geologist can now sell his deals with assurance to the investor that the State of Kansas has licensed him and therefore this drilling prospect is better!! When a dry hole is drilled and the public calls the *State Board of Technical Professions* for an explanation the reply will be, "We do not regulate geologists in the oil & gas industry."

If the "*practice of geology*" does not include geologists in the oil & gas industry it should not include petroleum engineers in the oil & gas industry. Thank you.

WYOMING GEOLOGISTS PRACTICE ACT

AMENDING

WYOMING STATUTES
33-41-101 through 33-41-121

Approved March 4, 1991,
amended February 27, 1993,
July 1, 1995 and
July 1, 1997

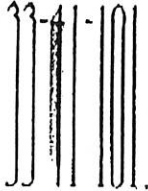
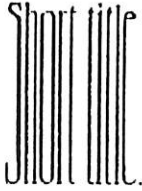
Wyoming Board of Professional Geologists
Post Office Box 3008
Laramie, Wyoming 82071-3008

(307)766-2490 / FAX (307)766-2713 / E-MAIL wbrpg@wsyx.twygo.edu

A

SECTIONS

Section 1.

	
33-41-102.	Definitions.
33-41-103.	Professional identification.
33-41-104.	Prohibited acts and conduct.
33-41-105.	Creation of the board.
33-41-106.	Powers and duties; actions and proceedings.
33-41-107.	Members of the board; appointment; terms of office.
33-41-108.	Qualifications of members of the board.
33-41-109.	Compensation and expenses.
33-41-110.	Removal of members of the board; vacancies.
33-41-111.	General requirements for licensure.
33-41-112.	Certification of geologist-in-training.
33-41-113.	Applications; licensure fees.
33-41-114.	Examinations.
33-41-115.	Licenses; seals.
33-41-116.	Practice by firms, partnerships, corporations and joint stock associations.
33-41-117.	Exemptions.
33-41-118.	Reciprocity or comity.
33-41-119.	Revocation, suspension, probation, reprimand, reissuance and refusal of certificate.
33-41-120.	Violations; grounds for discipline.
33-41-121.	Applicability.

Section 2. Statutes repealed.

Section 3. Certification or registration issued prior to July 1, 1997.

Section 4. Effective date.

AN ACT relating to the Wyoming Geologists Practice Act; modifying, eliminating and defining terms; specifying practice of geology before the public; providing for geologist subdisciplines; specifying board duties; clarifying and expanding licensing and certification requirements and exemptions from licensure; eliminating requirements for geologist approval of government and other reports containing geological data; specifying application; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 9-2-801(a)(i) and (ii), 33-41-101, 33-41-102(a)(i), (iv), (v), (vi), (vii), by creating a new paragraph (viii) and amending and renumbering paragraphs (viii) through (xiii) as (ix) through (xiv), 33-41-103, 33-41-104, 33-41-105, 33-41-106(d), (e), (g) and by creating a new subsection (h), 33-41-107, 33-41-109, 33-41-111(a), (b) and (d), 33-41-112(a) (i) and (b), 33-41-113(a), (b)(ii) and (iii), 33-41-114, 33-41-115, 33-41-116(a)(intro) and (iii), 33-41-117(a)(intro), (i)(intro), (C), (ii)(intro), (A) and (C), (iii) and by creating new paragraphs (v) through (xii), 33-41-118, 33-41-119(a) (intro), (I) and (ii), (c) and (d) and 33-41-120(a) and (b) are amended to read:

9-2-801. Definitions.

(a) As used in W.S. 9-2-801 through 9-2-810:

(i) "Geology" means as defined by W.S. 33-41-102(iv);

(ii) "Geologist" means as defined by W.S. 33-41-102(ii).

33-41-101. Short Title.

This act shall be known and may be cited as the "Wyoming Geologists Practice Act".

33-41-102. Definitions.

(a) As used in this act:

(i) "Board" means the Wyoming board of professional geologists within the department of commerce;

(ii) "Geologist" means a person who is a graduate of an institution of higher education that is accredited by a regional or national accrediting agency, with a minimum of thirty (30) semester or forty-five (45) quarter hours of course work in geology;

HOUSE BILL No. 2490

By Committee on Federal and State Affairs

2-20

10 AN ACT concerning the practice of geology; providing for licensure and
11 regulation as a technical profession; amending K.S.A. 74-7005 and 74-
12 7006 and K.S.A. 1996 Supp. 74-7003 and and 74-7013 and repealing
13 the existing sections.
14

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

16 Section 1. K.S.A. 1996 Supp. 74-7003 is hereby amended to read as
17 follows: 74-7003. As used in this act:

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

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

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

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

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

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

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

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

1 plats; and the teaching of architecture by a licensed architect in a college
2 or university offering an approved architecture curriculum of four years
3 or more.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 *experience, who is qualified as provided in this act to engage in the prac-*
 2 *tice of geology and who is licensed by the board.*

3 (o) "Practice of geology" means:

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

11 (2) *the teaching of geology in a college or university offering an ap-*
 12 *proved geology curriculum of four years or more by a person who meets*
 13 *the qualifications for education and experience prescribed by section 5*
 14 *and amendments thereto; or*

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

19 Sec. 2. K.S.A. 74-7005 is hereby amended to read as follows: 74-
 20 7005. (a) Membership of the board shall be as follows:

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

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

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

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

36 (5) *One member shall be engaged in the practice of geology, shall have*
 37 *been engaged in the practice of geology for at least eight years and, on*
 38 *and after January 1, 1998 July 1, 2000, shall be a licensed geologist.*

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

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

42 (c) The amendments to this section shall not be applicable to any
 43 member of the board who was appointed to the board and qualified for

Unlicensed petroleum engineers "practice geology"
 as described in (o) (1) on a routine basis.

Unlicensed petroleum engineers "practice geology"
 as described in (o) (3) on a routine basis.

1 such appointment under this section prior to the effective date of this act.
 2 Sec. 3. K.S.A. 74-7006 is hereby amended to read as follows: 74-
 3 7006. (a) Whenever a vacancy ~~shall occur~~ occurs in the membership of
 4 the board by reason of the expiration of a term of office, the governor
 5 shall appoint a successor of like qualifications. All appointments shall be
 6 for a ~~term~~ terms of four years, but no member shall be appointed for
 7 more than three successive four-year terms. ~~The term of each member~~
 8 ~~first appointed after January 1, 1992, for the purpose of computing the~~
 9 ~~length of the term of such member, shall commence on the first calendar~~
 10 ~~day subsequent to the day of expiration of the preceding term, regardless~~
 11 ~~of when the appointment is made, and shall end on June 30 of the fourth~~
 12 ~~year of the member's term for those members whose terms commence~~
 13 ~~on July 1, or on June 30 following the third full year of the member's~~
 14 ~~term for those members whose terms commence on January 1. There-~~
 15 ~~after, for the purpose of computing the length of term of a member of~~
 16 ~~the board.~~

17 (b) The terms of members appointed to the board shall commence
 18 on the July 1 immediately following the day of expiration of the preceding
 19 term, regardless of when the appointment is made, and shall expire on
 20 June 30 of the fourth year of the member's term.

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

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

28 Sec. 4. K.S.A. 1996 Supp. 74-7013 is hereby amended to read as
 29 follows: 74-7013. (a) The board may adopt all bylaws and rules and reg-
 30 ulations, including rules of professional conduct, which are necessary for
 31 performance of its powers, duties and functions in the administration of
 32 this act.

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

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

42 ~~(d) Before January 1, 1999, it is the responsibility of the member of~~
 43 ~~the board described in subsection (a)(5) of K.S.A. 74-7005 and amend-~~

7-5

7-6

1 ~~ments thereto to provide and have graded any examination required by~~
2 ~~this act to be taken by an applicant for licensure to practice geology.~~

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

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

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

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

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

19 (a) The practice of geology by any person before July 1, ~~1998~~ 2000.

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

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

29 (d) Performance of work customarily performed by graduate physical
30 or natural scientists.

31 New Sec. 7. (a) Subject to the provisions of subsection (b), a person
32 who applies for licensure as a geologist before July 1, ~~1998~~ 2001, shall
33 be considered to be qualified for licensure, without further written ex-
34 amination, if the person has:

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

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

41 (B) graduated from an accredited institution of higher education in
42 a four-year academic degree program other than geology, but with 30
43 semester hours or 45 quarter hours of credit in geology.

28 **neers or petroleum engineers in the exploration for and development of energy resources.**

29 ~~—(d) Performance of work customarily performed by graduate physical~~
30 ~~or natural scientists.~~

33 be considered to be qualified for licensure, without further written ex-
34 amination, if the person has:

1 (b) A person who meets the qualifications of subsection (a), in the
 2 discretion of the board, may be required to take and pass an examination
 3 as required by this act if the person is not engaged in the practice of
 4 geology on July 1, 1997 2000, and has not engaged in the practice of
 5 geology for at least four of the eight years immediately preceding July 1,
 6 1997 2000.

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

11 (d) On and after July 1, 1997 2000, and before July 1, 1998 2001,
 12 upon application, a person who holds a valid certification from the Amer-
 13 ican institute of professional geologists or the division of professional af-
 14 fairs of the American association of petroleum geologists may be issued
 15 a license as a geologist pursuant to this act.

16 **New Sec. 8. (a) On or before September 30, 1997, the chair-**
 17 **person of the board shall appoint a geologist registration commit-**
 18 **tee. The committee shall be composed of: (1) Two members of the**
 19 **board, one of which shall be designated as the chairperson of the**
 20 **committee; and (2) three geologists recognized by the state geo-**
 21 **logical society, the Kansas chapter of the American association of**
 22 **petroleum geologists or the American institute of professional ge-**
 23 **ologists.**

24 (b) The committee shall develop policies and procedures, re-
 25 view continuing education requirements, establish recommenda-
 26 tions relative to NAFTA, establish and review recommended ex-
 27 aminations, recommend fees, establish experience criteria and any
 28 other recommendations concerning the licensure of geologists.
 29 Such report shall include recommendations for legislation, if nec-
 30 essary, and proposed rules and regulations.

31 (c) On or before July 1, 1998, the committee shall prepare and
 32 present to the executive committee of the board a preliminary
 33 draft of recommendations developed pursuant to subsection (b).
 34 The executive committee shall review and comment on the prelim-
 35 inary draft of recommendations.

36 (d) On or before October 1, 1998, the geologist registration
 37 committee shall present to the board a final report of its recom-
 38 mendations developed pursuant to subsection (b).

39 **New Sec. 9. (a) On or before July 1, 1999, the board shall be-**
 40 **gin to accept applications for licensure as a geologist.**

41 (b) On or before July 1, 2000, the board shall begin to issue
 42 licenses to engage in the practice of geology to applicants therefor
 43 if such applicants comply with the requirements of the provisions

1 (b) A person who meets the qualifications of subsection (a), in the
 2 ~~discretion of the board, may shall be required to take and pass an examination or examination.~~
 3 ~~as required by this act. if the person is not engaged in the practice of~~
 4 ~~geology on July 1, 2000, and has not engaged in the practice of~~
 5 ~~geology for at least four of the eight years immediately preceding July 1,~~
 6 ~~2000.~~

11 ~~—(d) On and after July 1, 2000, and before July 1, 2001,~~
 12 ~~upon application, a person who holds a valid certification from the Amer-~~
 13 ~~ican institute of professional geologists or the division of professional af-~~
 14 ~~fairs of the American association of petroleum geologists may be issued~~
 15 ~~a license as a geologist pursuant to this act.~~

- 1 of this act and any rules and regulations adopted pursuant thereto
- 2 by the board.
- 3 Sec. 8 10. K.S.A. 74-7005 and 74-7006 and K.S.A. 1996 Supp. 74-
- 4 7003 and 74-7013 are hereby repealed.
- 5 Sec. 9 11. This act shall take effect and be in force from and after
- 6 its publication in the statute book.

TESTIMONY

by
Dennis E. Hedke

House Bill 2490

submitted to
Senate Federal and State Affairs Committee
The Honorable Lana Oleen, Chairwoman
March 27, 1997

Madame Chairwoman and members of the Committee:

I appreciate having the opportunity of offering testimony on this important and necessary legislation. I testify on behalf of myself, a geological and geophysical consultant, with private practice in Wichita since 1986.

As you review the various elements of the 'geologist registration act', it would be my sincere hope that it become evident that our legislative committee members have worked diligently to create what we believe to be a well crafted bill. While there are certain issues and eventualities which have likely not been fully addressed as of the last revisions, we believe wholeheartedly that any potential shortcomings can be resolved satisfactorily in future deliberations between appropriate parties.

Please understand that creating viable and operational legislation by geologists is about as foreign a process to us as evaluating subsurface rock systems would be to you. Nonetheless, we have sought counsel from numerous individuals who are indeed familiar with these processes and we have also attempted to work compromises wherever possible to accommodate offsetting opinions. It is our intent that no parties would be adversely affected by this legislation. On the contrary, we envision much greater harmony among parties with whom we already have well-established professional linkages and joint responsibilities on a variety of professional levels.

These other professionals, particularly civil and petroleum engineers, have been very helpful with comments which have ultimately strengthened the legislation and provided needed boundary conditions within which we can all comfortably advance our project responsibilities. One of our prime objectives has been to foster more efficient and productive interaction between these highly technical professions.

As you review today's testimonies and consider action on this bill, I humbly submit to you that we will all be serving and protecting the public good by enacting this legislation as soon as is reasonably practicable. Should you have any questions, please feel free to contact me at your earliest convenience.

Sen. Federal & State Affairs Comm.
Date: 3-27-97
Attachment: # 8

WILLIAM GILLILAND
2524 SW Mission Ave.
Topeka, Kansas 66614
Phone 913-273-4383

Bachelor of Science and Masters of Science Degrees, in Geology, Kansas State University
Registered Professional Geologist, No. 523, State of Arkansas
Certified Professional Geologist, No. 3703, American Institute of Professional Geologists

Since 1966, I have worked the majority of my professional career in the State of Kansas, with twenty two years as a State worker in the Departments of Transportation and Agriculture. I have also worked in the oil & gas industry and operated my own consulting firm. I have taught geology courses in community colleges and universities, on a part-time basis, for fifteen years. Based upon my background in government employment, industry and academia, I would like to express my support for House Bill No. 2490, for registration of geologists in the State of Kansas.

If geologists have a significant impact upon the safety, welfare, or health of residents of the State of Kansas, then those individuals should take responsibility for their own actions, and be so held accountable. If geologists do not have an impact on safety, welfare, or health of residents of the State of Kansas, then they should not be regulated by the State. However, every building, bridge, and dam in Kansas is constructed upon geologic material. Every water well, contamination remediation well, mine, quarry, and underground storage facility, is constructed in geologic materials. Therefore; it appears reasonable to regulate geologists and the practice of geology, to ensure that the citizens of Kansas obtain the best information available for the many projects that interact with the Earth.

I became a Registered Professional Geologist in the State of Arkansas, because it was required for the geologic consulting work that I had proposed to do for an engineering firm. I have maintained registration in Arkansas, because it had been the nearest state to Kansas with registration of geologists, until Missouri. I have found, over the years, that some "professionals" do not consider the work done by geologists to be important, because "we" are not held as accountable for our work. The registration, in another state, has been used to show that I am responsible for my work and professional opinion. Why should I, as a geologist, have to seek that recognition outside the State of Kansas?

At this time twenty three states regulate geologists and / or geology. I consider it appropriate to do so in Kansas. Thank you for this opportunity to express my opinions on this subject.

**Testimony for the House Federal and State Affairs Committee
concerning the Geologist Licensing Bill (H.B. 2490)**

by

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

March 27, 1997

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-three 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. 2490)

March 27, 1997

Page 2

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 2490, 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.