



Texas Geoscience Today

Texas Board of Professional Geoscientists

VOLUME VIII ISSUE I

WINTER 2013

SPECIAL POINTS OF INTEREST:

- Upcoming ASBOG® Exam
- Enforcement Activities
- Upcoming Meetings
- TBPG Officers
- European Geosciences Union

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The Chairman's Column

As I sit writing this report, the 83rd Regular Session of the Texas Legislature has just completed its first week of the 140 days of session that convenes every other year. While it is early in the session there have been over 600 bills already filed for consideration by the House of Representatives and the Senate. During the last legislative session there were over 5,900 bills filed and about 23% of those were signed into law.

We have already seen one piece of legislation filed that will impact the geoscience community. Senate Bill 138 by Senator Zaffirini has been filed and it relates to confidentiality of complaints that may be filed with the Texas Board of Geoscientists (Board). This legislation is the result of a review of our agency by the Legislative Budget Board last summer. The Board staff and I are supportive of this proposal since we feel that it will improve

the Board's ability to deal with complaints.

Based on discussions with others in the geoscience community, I expect that there will be more bills filed during the session that could significantly impact regulation of the Texas geoscience community. With this in mind, I encourage each of you to take an interest and dedicate some time to keep informed about potential legislation that could impact your profession. The Texas Legislature has made it very easy for you to follow and be involved with legislation that you might be interested in through your Internet connection. If you go to www.legis.state.tx.us you will come to the Texas Legislature Online webpage. From this page you can enter a search of proposed legislation that includes particular words such as "geology", "geoscientist", or "Texas Board of Professional

Geoscientists" and retrieve any legislation that includes your specified words.

The website also directs you to many other resources to allow you to more fully participate in our state's legislative process. I encourage you to take advantage of this resource and keep informed of potential legislation that might impact your profession or any other legislative issues which might interest you.

As I reported in last summer's newsletter, our Board did not seek any new or increased funding for the next biennium in our Legislative Appropriation Request. The Board believes that it can continue to carry out its statutory duties with the same budget that it is operating with in the current



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TBPG Officers

New officers were elected at the January 14, 2013 Board meeting. The newly elected officers are as follows:

- Charles Knobloch, P.G., JD, *Chairman*
- C. Thomas Hallmark, P.G., PhD, *Vice-Chairman*
- Kelly Krenz-Doe, P.G., *Secretary-Treasurer*

Many thanks go to outgoing TBPG Chairman and Board Members Ron Kitchens, Barbara Roeling and Tom Hallmark for their contributions to TBPG. They have given much time and effort in advancing the mission and goals of TBPG during their tenure on the Board, and their contributions are very much appreciated.

Thank you also to the outgoing TBPG officers for their hard work.

Thank you!

European Geosciences Union Geoethics Session

Information regarding an upcoming session on Geoethics within the 2013 European Geosciences Union (EGU) General Assembly has been forwarded to us by newly elected TBPG Board Chairman Charles Knobloch. The session is included in the "Natural Hazards Programme Group" (NH9-Natural Hazards & Society) and is titled: "NH9.8: Geoethics and natural hazard: the role and responsibility of the geoscientists". More information can be found at the following website: <http://meetingorganizer.copernicus.org/EGU2013/session/I1853>.

Notes from the Executive Director

ANNOUNCEMENTS

The Spring ASBOG® examination will be held **March 1, 2013.**

The application deadline has passed for this exam.

The next ASBOG® examination will be held on **October 4, 2013.**

Congratulations to the **24** who passed the ASBOG® Fundamentals of Geology examination and the **20** who passed the ASBOG® Practice of Geology examination on **October 5, 2012!**

Upcoming Meetings

TBPG Board Meeting
April 19, 2013

TBPG staff continue to work hard to carry out the daily functions of the agency and provide support to the Board in its policy making activities and in its strategic and budget planning processes. Customer service also continues to be a staff priority.

Those of you who are on our e-mail list (over 95% of our licensees are on the list) should be up to date on current Board activities through "TPBG's Quarterly Update" e-mails, which report on recent TBPG meetings and rule-making activities. Current information is also available on the TBPG website regarding recent and upcoming Committee meetings, Board meetings, agendas and rule-making activities. Meeting minutes from previous committee and board meetings are also available once they are approved by the Board.

The Board appreciates receiving public comments and testimony and engaging in discourse with its stakeholders as it proceeds through policy-making activities, such as rule amendments and issuing advisory opinions. Written comments regarding rule-making and posted proposed Advisory Opinions should be sent to the Executive Director.

Anyone can join our e-mail list simply by letting us know. To get on the list, please call our office, or you may send an e-mail to Molly Roman at mroman@tbpg.state.tx.us, or look for the link on our website.

Legislative Budget Board Performance Review Team (LBB PRT) / SB 138

The LBB PRT conducted a review that began in April 2012 and continued through October 2012. The LBB PRT focused on TBPG's enforcement efforts and looked at:

- Past performance measure data
- Memoranda of Agreement (MOAs) with other state agencies, and the Memorandum of Understanding (MOU) with the Texas Board of Professional Engineers (TBPE)
- Other complaint data, including how many complaints were filed each fiscal year, and how many of those complaints were filed by the public, how many were referred to TBPG by other state agencies, and how many were self-initiated.

During the review, it became apparent that the LBB PRT was concerned about the lack of complaints/information coming from other state agencies that are in a position to spot concerns. In late October 2012, LBB PRT staff held an exit conference with TBPG Chairman Kitchens and key TBPG staff. The information gathered from the LBB PRT's review of select state agencies has been released in the 2013 Government Effectiveness and Efficiency Report (GEER), and the 2013 GEER Executive Summary, both found on the



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Chairman's Column, *continued*

biennium. While I reported in the last newsletter that we could face some reduction in funding, the state's estimate of revenues for the coming biennium is significantly improving and makes the possibility of reduced funding for our Board more remote. At this point in time, the agency is fully staffed and it seems that we have reached a point of stability in our administrative tasks. Our new licensing system is functioning well, our enforcement process is steadily improving, and overall administration is operating efficiently.

This newsletter will be my last as the Chairman of your Board. My term expires in February 2013 and I am not seeking a re-appointment to the Board. I have thoroughly

enjoyed my six years of service on the Board as we moved from a "start-up" to a fully functioning Board. There have been some growing pains along the way, but the successes of the Board over these past six years far outweigh those growing pains. It has been my pleasure to serve on your Board and as your Chairman. It has allowed me to become more familiar with your profession and to meet and interact with many of the fine geoscientists throughout Texas. Thank you for allowing me to serve and please take an interest in the continuing development of the Texas Board of Professional Geoscientists. It is your Board, and you have the responsibility to help shape and form it to better serve your profession and the State of Texas.

R. L. Kitchens

TBPG Enforcement Activities

Over the past several months, TBPG staff had worked with staff from TCEQ on the development of a new guidance document intended to provide guidance to employees of state and local governing authorities. The final document, Guidelines on Requirements of the Texas Geoscience Practice Act for Employees of State and Local Governments is now available on the TBPG website. The purpose of this document is to provide clarity regarding the requirements of individual licensure and firm registration in order to perform work (under employment or contract) for or submitted to these authorities. Its purpose is also to provide clarity regarding the requirements of Professional Geoscientists and Geoscience Firms offering or performing public professional geoscience work.

The document is also intended to encourage dialogue between TBPG and governmental entities that contract for or review geoscientific work. As before, Board Enforcement staff are available to answer questions regarding the public practice of geoscience that is reviewed or performed by them. We encourage all Professional Geoscientists who work for state and local governmental authorities to review this document and contact us regarding any questions.

Recently it has come to our attention that some licensees do not perform their license renewal. In most cases, it is because their employer is paying for the cost of the license renewal. As a shortcut, agency or firm staff may be filling out the renewal form online and paying the fee with a credit card. In the process of renewing a license, licensees are required to answer questions

regarding having completed the continuing education requirements; any criminal arrests, charges or convictions; or administrative violations that may have occurred since the last renewal. Licensees who renew late are also required to affirm whether the licensee offered or performed non-exempt public professional geoscience services while the license was expired. While we are supportive of renewal of licenses through the TBPG Online system, licensees should be advised that they alone are responsible and accountable for the accuracy of the responses to these questions.

TBPG Board Member Chris Mathewson is currently in the process of producing an updated Ethics Video for replacement of the one that is currently posted on the TBPG website.

Additionally, staff has developed a Fundamentals and Ethics for Professional Geoscientists PowerPoint presentation that is used when speaking to groups.

In October 2012, TBPG hosted a booth at the Gulf Coast Association of Geological Societies annual convention. Information was passed out regarding P.G. licensing in Texas, and we answered questions and enjoyed talking to the folks who stopped by the booth. We are planning on having a booth at the April 2013 Geological Society of America South-Central Section meeting in Austin.

Please stop by to say hello if you are attending.



The mission of the Texas Board of Professional Geoscientists is to protect health, safety, and welfare by ensuring that only qualified persons carry out the public practice of geoscience.

Notes from the Executive Director, continued

[LBB website.](#)

We also understood that LBB PRT staff would be discussing their report with Members of the legislature. The LBB PRT staff shared the following four recommendations regarding the TBPG:

- Amend the Texas Geoscience Practice Act (TGPA) to require the TBPG to put information on its website regarding how to file a complaint and general information regarding the complaint process.
- Amend the TGPA to remove the requirement that a complaint be notarized.
- Amend the TGPA to require that other agencies report possible violations to the TBPG.
- Require the TBPG to work with other state agencies (provide information on

how to file a complaint to facilitate 3).

On November 30, 2012, Senator Judith Zaffirini filed SB 138 which includes provisions to address the four recommendations:

- The provisions in this bill as filed would add language to the Texas Geoscience Practice Act requiring that the Board maintain on the agency website information regarding the procedures for filing a complaint with the Board and a means by which a person may electronically file a complaint with the Board.
- The bill as filed would also specifically direct the Board to accept a complaint regardless of whether the complaint is notarized.
- The Bill as filed would also require the Board to work with each state agency

that uses the services of persons licensed under the TGPA and other appropriate state agencies as determined by the Board to educate the agencies' employees regarding the procedures by which complaints are solved and resolved by the Board.

- The bill as filed also requires a state agency that becomes aware of a potential violation of the TGPA or a Board rule to forward any information regarding the potential violation and any subsequently obtained information to the TBPG. It provides for the Board to maintain confidentiality of any information that is already confidential and otherwise provides confidentiality provisions.

Chuck Horton



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Licensing Numbers

Current numbers:

- 4731 Professional Geoscientists
- 359 Geoscience Firms
- 30 Geoscientists-in-Training

Other News

The information gathered from the LBB PRT's review of select state agencies, as mentioned in "Notes from the Executive Director," has been released. The 2013 Government Effectiveness and Efficiency Report (GEER) and the 2013 GEER Executive Summary are linked below and also can be found on the LBB website:

- [2013 GEER Report - Complete](#)
- [2013 GEER Report - Executive summary](#)

In other news, TBPG will be updating its online ethics video and quiz in the coming months. The update will include improved audio and visual components.

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College Station

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