

# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## Issue 1

*State Regulation of Geoscientists Provides No Measurable Public Benefit and Should Be Discontinued.*

### Change in Statute

#### **Rec. 1.1, Adopted as Modified**

In lieu of Recommendation 1.1, continue the Texas Board of Professional Geoscientists and the Texas Geoscience Practice Act for six years, until September 1, 2025.

### Management Action

#### **Rec. 1.2, Not Adopted**

In response to the board's abolishment, board staff should begin the wind-down process before the effective date of the legislation.

### Change in Appropriation

#### **Rec. 1.3, Not Adopted**

The House Appropriations and Senate Finance Committees should consider limiting the board's fiscal year 2020 appropriation to costs and salary for one full-time equivalent administrative employee to complete wind-down activities.

## Adopted New Recommendations

### Licensing Recommendations

#### ***Notarization Requirement***

Eliminate the statutory notarization requirement for individuals applying for the professional geoscientist license.

#### ***Reference Letter Requirements***

Eliminate the statutory letter of reference requirement for individuals applying for a professional geoscientist license.

Direct the board to eliminate the letter of reference requirement for individuals applying to register as a geoscientist-in-training. (Management action – nonstatutory)

### ***Firm Registration***

Direct the board to discontinue geoscience firm registration. (Management action – nonstatutory)

## **Enforcement Recommendations**

### ***Administrative Penalty Authority***

Amend Texas Occupations Code, Section 1002.452 to increase the board’s maximum administrative penalty amount from \$100 to \$1,500 per day for each violation. The application of the maximum penalty should be limited to only the most serious offenses.

### ***Expired Licenses***

Direct the board to cease routinely opening unlicensed public practice complaints against expired licensees who failed to timely renew. (Management action – nonstatutory)

### ***Complaint Dismissals***

Direct the board to further develop policies guiding the administrative dismissal of complaints by staff, specifically to provide staff clear direction to handle continuing education complaints unless aggravating circumstances require board involvement. (Management action – nonstatutory)

### ***Penalty Matrix***

Direct the board to publish its penalty matrix on its website. (Management action – nonstatutory)

## **Sunset Across-the-Board Recommendations**

### ***Presiding Officer Designation***

Apply the Sunset across-the-board recommendation to provide that the governor designates the presiding officer of the board to provide a direct line of accountability between the board chair and the governor.

### ***Board Member Training***

Apply the Sunset across-the-board recommendation to require the agency to develop a training manual that each board member attests to receiving and reviewing annually, and require existing board member training to include information about the scope of and limitations of the board’s rulemaking authority, including potentially anticompetitive behavior.

***Complaint Information***

Apply the Sunset across-the-board recommendation regarding complaint processing for complaints against the board.

***Alternative Dispute Resolution***

Apply the Sunset across-the-board recommendation regarding alternative dispute resolution.