

Dear Senators ANDREASON, Coiner & Werk, and
Representatives BLACK, Henderson & Elaine Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Bureau of Occupational Licenses - Board of Professional Geologists:

IDAPA 14.01.01 - Rules of Procedure of the Board of Registration of Professional Geologists
(Docket #14-0101-0801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by
the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice
to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis
from Legislative Services. The final date to call a meeting on the enclosed rules is no later than
11-13-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42)
days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting
on the enclosed rules is 12-12-08.

_____The germane joint subcommittee may request a statement of economic impact with
respect to a proposed rule by notifying Research and Legislation. There is no time limit on
requesting this statement, and it may be requested whether or not a meeting on the proposed rule
is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the
address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Katharine Gerrity - Principal Legislative Research Analyst

DATE: October 24, 2008

SUBJECT: Board of Registration for Professional Geologists

IDAPA 14.01.01 - Rules of Procedure of the Board of Registration of Professional Geologists (Docket #14-0101-0801)

The Board of Registration for Professional Geologists submits notice of temporary and proposed rule at IDAPA 14.01.01 - Rules of Procedure of the Board of Registration of Professional Geologists. Due to a delay in transmitting the rule from the Office of Administrative Rules, LSO just received this rule on today's date. According to the Bureau, the rule is necessary to comply with changes to the law made during the 2008 legislative session. The Bureau notes that changes to the rules were necessary because the Board of Geologists is now contracting with the Bureau for services. This is a fee rule. Negotiated rulemaking was not conducted.

The action appears to be authorized pursuant to Section 54-2808, Idaho Code.

cc: Board of Registration for Professional Geologists, Cherie Simpson & Bureau of Occupational Licenses, Tana Cory

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

DOCKET NO. 14-0101-0801 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 15, 2008.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2808, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2008 Legislature passed HB 350. These rule changes are necessary to comply with the law. The Board of Geologists is now contracting for services with the Bureau and changes to General Provisions were necessary to accommodate the move. The law was changed to allow for a change of expiration dates. The application deadline date was changed from 45 days to 90 days as the 45 days does not allow enough time to process the applications and order the examination material.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b) Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2008 Legislature passed HB 350. These rule changes are necessary to comply with the law. The Board of Geologists is now contracting for services with the Bureau and changes to General Provisions were necessary to accommodate the move. The law was changed to allow for a change of expiration dates.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Changes were made to General Provisions to remove the subsection for fees and to create Section 150 for fees currently being charged.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes should not be controversial and were discussed in an open meeting of the Board.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 18th day of August, 2008.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 14-0101-0801

100. GENERAL PROVISIONS.

01. Filing of Documents. All correspondence, including remittances and renewal fees, shall be directed to the office of the Board. (3-26-08)

02. Meetings. The Board shall meet at least once each year at the call of the chairman; the Board shall elect a chairman, and vice-chairman, ~~and secretary~~ at such annual meeting. In addition to this annual meeting, the chairman may call special meetings from time to time when, in his opinion, it is deemed necessary, or upon the written request of any three (3) members of the Board. ~~(3-26-08)~~(8-15-08)T

03. Officers. Officers elected from the Board shall be chairman, and vice-chairman, ~~and secretary. An assistant secretary may be selected who need not be a member of the Board.~~ ~~(7-1-93)~~(8-15-08)T

a. The chairman shall be the executive head of the Board; shall, when present, preside at meetings; shall appoint committees; and shall perform all the duties pertaining to the office of chairman. (3-26-08)

b. The vice-chairman shall, in the absence or incapacity of the chairman, exercise the duties and possess all the powers of the chairman. (7-1-93)

~~**e.** The secretary shall, with assistance of an assistant secretary and staff as authorized by the Board;~~ (7-1-93)

~~**i.** Keep correct minutes of the Board and furnish a copy to all members of the Board;~~ (7-1-93)

~~**ii.** Send notice of all regular and special Board meetings to each member in advance thereof;~~ (3-26-08)

~~**iii.** Examine each Application for registration and bring about necessary corrections or the supplying of missing or essential data in connection with such Application prior to consideration thereof by the Board;~~ (7-1-93)

~~**iv.** Address inquiries, where deemed necessary, to references or Applicants to verify qualifications, experience, or character;~~ (7-1-93)

~~**v.** Make arrangements, as required by the Board, for examinations, interviews, or hearings;~~ (7-1-93)

~~**vi.** Report to the Board members the result of every examination and other evidence of qualification of each Applicant;~~ (7-1-93)

~~**vii.** Prepare the required annual report and roster;~~ (7-1-93)

- viii. ~~Keep all records, including minutes, register of Applicants and Registrants, and roster;~~ (7-1-93)
- ix. ~~Receive and deposit all funds and fees, as provided by the Act, and keep records of all receipts and disbursements;~~ (7-1-93)
- x. ~~Attend to all official correspondence of the Board;~~ (7-1-93)
- xi. ~~Perform all other duties as prescribed by the Act or which normally pertain to the office of secretary.~~ (7-1-93)

04. Committees. Regular or special committees may be appointed by the chairman, as necessary, to perform special duties and shall present reports to the Board at the time specified or at the earliest regular or special meeting of the Board. (7-1-93)

05. Quorum. As provided in the Act, a quorum shall be at least three (3) members of the Board legally holding office at the time of meeting. Official business of the Board shall be conducted only at Board meetings with a quorum present. (7-1-93)

06. Fees. ~~The fees for registration under the Act shall be the following:~~ (3-13-02)

~~a. Application. A non-refundable fee for application under the Act shall be one hundred dollars (\$100).~~ (3-26-08)

~~b. Examination. The fee for the National examination is set at the current Association of State Boards of Geology (ASBOG) rate and is non-refundable.~~ (3-26-08)

~~c. Reexamination. The fee for reexamination of an Applicant failing the examination shall be the same as Paragraph 100.06.b. of these rules.~~ (3-26-08)

~~d. The fee for the initial certificate shall be twenty dollars (\$20) and the fee for replacing a lost, destroyed or mutilated certificate shall be twenty dollars (\$20).~~ (3-13-02)

~~e. The fee for annual renewal of registration shall be as determined each year by the Board, but shall not exceed one hundred dollars (\$100). Renewal fees are due annually by June 30. The amount of the first annual renewal fee for a Registrant may, at the discretion of the Board, be reduced appropriately on a prorated quarterly basis based upon the initial registration date in the preceding fiscal year.~~ (7-1-93)

~~i. The fee for annual renewal of registration for any Registrant seventy (70) years of age or older as of June 1 shall be half (1/2) the current renewal fee.~~ (3-26-08)

~~ii. The secretary shall notify each Registrant by mail, to the last recorded address, not later than June 1 of each year giving date of expiration of the Registrant's certificate and the amount of the renewal fee due by June 30 for the following year.~~ (7-1-93)

~~iii. Failure on the part of any Registrant to renew the certificate in June shall not deprive such Registrant of the right of renewal, but the fee to be paid for renewal after June 30 shall be increased as prescribed in the Act.~~ (3-26-08)

076. Certificates. Certificates of registration shall be issued to each Registrant, as prescribed by the Act, on forms adopted by the Board. Certificates shall be displayed by Registrants in their place of business. A new certificate may be issued by the Board, to replace one lost, destroyed or mutilated. Each certificate shall bear an individual number, as assigned to that particular Registrant by the Board, which number shall be included in the annual roster of Registrants prepared by the secretary. (7-1-93)

087. Seals. (7-1-93)

a. The official seal of the Board shall consist of a seal of the state of Idaho surrounded with the words "Board of Registration for Professional Geologists." (7-1-93)

b. The Board has adopted a similar seal for use by each registrant. The seal may be a rubber stamp, crimp, or electronically generated image. Whenever the seal is applied, the Registrant's signature and date shall also be included. If the signature is handwritten, it shall be adjacent to or across the seal. No further words or wording are required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature. SEE "APPENDIX A" AT END OF THIS CHAPTER. (3-26-08)

c. The seal, signature, and date shall be placed on all final specifications, reports, information, and calculations, whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature, and date shall be clearly marked as "Preliminary," "Draft," "Not for Construction," or with similar words to distinguish the document from a final document. (3-26-08)

d. The seal, signature, and date shall be placed on all original documents. The application of the Registrant's seal, signature, and date shall constitute certification that the work thereon was done by him or under his supervision. Each plan or drawing sheet shall be sealed and signed by the Registrant or Registrants responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed by the Registrant or Registrants involved. The supervising professional geologist shall sign and seal the title or first sheet. Copies of electronically produced documents, listed in Paragraph 100.08.b. of these rules, distributed for informational uses such as for bidding purposes or working copies, may be issued with the Registrant's seal and a notice that the original document is on file with the Registrant's signature and date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications, and like documents need bear the seal, signature, and date of the Registrant. (3-26-08)

e. The seal and signature shall be used by Registrant only when the work being stamped was under the Registrant's supervision. (3-26-08)

09. Address Change. Each Applicant and Registrant shall notify the Board within sixty (60) days of any and all changes of address, giving both old and new address. (7-1-93)

10. Annual Board Report. ~~An annual report~~ The Board shall be published by the Board and mailed to the governor, secretary of state, each Registrant, and to the public (upon request). The annual report shall contain, on its website, among other things: (7-1-93)(8-15-08)T

- a. Copy of the Act; (7-1-93)
- b. Rules of ~~procedure~~ the Board; (7-1-93)(8-15-08)T
- c. ~~Annual report of the Board, summarizing all transactions~~ Minutes of the meetings; (7-1-93)(8-15-08)T
- d. ~~Excerpts or summary of annual~~ Financial report; (7-1-93)(8-15-08)T
- e. Roster of Registrants; and (7-1-93)(8-15-08)T
- f. Code of ethics; ~~and~~ (3-26-08)(8-15-08)T
- ~~g. Current fee schedules.~~ (3-26-08)

101. -- 1949. (RESERVED).

150. FEES.
The fees for registration under the Act shall be the following: (8-15-08)T

- 01. Application.** A non-refundable fee for application shall be one hundred dollars (\$100). (8-15-08)T
- 02. Initial Certificate.** The fee for the initial certificate shall be twenty dollars (\$20). (8-15-08)T
- 03. Examination/Reexamination.** The fee for the National examination is set at the current Association of State Boards of Geology (ASBOG) rate and is non-refundable. (8-15-08)T
- 04. Annual Renewal Fee.** Annual renewal fee shall be sixty dollars (\$60). (8-15-08)T
- 05. Annual Renewal Fee for Registrants Seventy (70) Years of Age or Older.** Annual renewal fee shall be one-half (1/2) of the current renewal fee for registrants seventy (70) years of age or older. (8-15-08)T
- 06. Reinstatement Fee.** Reinstatement fee shall be twenty-five dollars (\$25). (8-15-08)T
- 07. Duplicate Certificate Fee.** The fee for replacing a lost, destroyed, or mutilated certificate shall be twenty dollars (\$20). (8-15-08)T

151. -- 159. (RESERVED).

160. RENEWAL OR REINSTATEMENT OF CERTIFICATE (RULE 160).

- 01. Expiration Date.** All geologists certificates expire and must be renewed annually in accordance with Section 67-2614, Idaho Code. Certificates not so renewed will be cancelled. (8-15-08)T
- 02. Reinstatement.** Any certificate cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (8-15-08)T
- 03. Cancelled Certificate.** A certificate that has been cancelled for a period of more than five (5) years may be reinstated in accordance with Section 67-2614, Idaho Code. (8-15-08)T

161. -- 199. (RESERVED).

200. APPLICATION PROCEDURES.

- 01. Applications.** Applications for registration shall be: (7-1-93)
- a.** Filed on a form or forms prescribed by the Board and accompanied by official transcripts, reference statements, and a signed code of ethics (SEE "APPENDIX B" AT END OF THIS CHAPTER); (3-26-08)
- b.** Filed at the office of the Board, accompanied by the required Application fee; (3-26-08)
- c.** Received by the Board, if for registration by examination, not less than ~~forty-five~~ ~~ninety (4590)~~ ~~(3-26-08)~~ ninety (8-15-08)T days prior to the date of examination;
- d.** Subscribed and certified to by the Applicant under penalty of perjury as provided for by state law; and (7-1-93)
- e.** Applications not submitted in proper form, or which are incomplete, will not be accepted by the Board and will be returned to the Applicant by the secretary with a statement of the reason for return. (7-1-93)
- 02. Board Action.** Upon evaluation of the Application by the Board, including receipt of statements from references, each Application will be: (7-1-93)
- a.** Approved and the Applicant notified in writing of such approval and the granting of registration; or (7-1-93)
- b.** Approved and the Applicant scheduled for examination for registration, and so notified in writing;

or (7-1-93)

c. Denied with prejudice and the Applicant notified in writing by certified mail stating the reason for denial. In the event of denial of Application, the Application fee will be retained by the Board. (7-1-93)

03. Appeal. Upon notification by the Board that the Application has been denied or rejected, the Applicant, within thirty (30) days of receipt of such notice, may petition the Board for a hearing, under the provisions of Title 67, Chapter 52, Idaho Code. (3-26-08)

04. Dates. The date of application shall be the date it is delivered in person to the Board office or, if mailed, the date shown by post office cancellation mark. Qualifying education and experience of the Applicant, for examination and registration, shall be computed from the date of application as described above. (7-1-93)

05. References. Statements from personal references in Responsible Positions concerning the Applicant's technical ability and personal character, shall be received, as prescribed by the Act, prior to any action by the Board to approve an Application. Each statement must reflect in a positive way the technical and ethical merits of the Applicant. Applicants for the Fundamentals of Geology examination may fulfill this requirement with reference statements from geologists in Responsible Positions familiar with the ability and character of the Applicant as demonstrated in an academic setting. (3-26-08)

06. Abandonment. In the absence of special circumstances, the Board shall consider an Application abandoned when: (7-1-93)

a. The Applicant fails to submit the certificate fee within six (6) months after the date of the letter of notification of approval of registration; or (7-1-93)

b. The Applicant fails to appear for a scheduled examination without obtaining a postponement from the Board; or (7-1-93)

c. The Applicant, after two (2) such postponements, fails to appear for examination at the scheduled time. (7-1-93)

07. Abandonment - Application Fees. If, after abandonment of an Application, an Applicant wishes to reapply for registration, an entirely new Application shall be initiated and all previously paid Application fees shall be retained by the Board. (3-26-08)