

Dear Senators COOK, Ward-Engelking, Lakey, and  
Representatives CLOW, Berch, Crane:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Occupational and Professional Licenses - Board of Registration for Professional Geologists:  
IDAPA 24.04.01 - Rules of the Board of Registration for Professional Geologists (ZBR Chapter  
Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0401-2401).

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 11/29/2024. 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 12/27/2024.

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 334-4854, or send a written request to the address on the  
memorandum attached below.



**Terri Kondoff**  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Division Manager - Matt Drake

**DATE:** November 12, 2024

**SUBJECT:** Division of Occupational and Professional Licenses - Board of Registration for Professional Geologists

IDAPA 24.04.01 - Rules of the Board of Registration for Professional Geologists (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0401-2401)

#### Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Board of Registration for Professional Geologists submits Notice of Fee Rulemaking regarding the Rules of the Board of Registration for Professional Geologists. The Division states that this is a Zero-Based Regulation (“ZBR”) chapter rewrite. Accordingly, the Division states that this rulemaking streamlines and simplifies existing rules without making substantive changes.

The proposed rules increase the annual registration renewal rate from \$60 to \$100. The Division states that this fee adjustment is proposed because the board currently has a negative cash balance when comparing revenue to expenditures.

#### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rules are not anticipated to have a fiscal impact.

#### Statutory Authority

This rulemaking appears authorized pursuant to Section 67-2604, Idaho Code, and the provisions of chapter 28, title 54, Idaho Code.

cc: Division of Occupational and Professional Licenses - Board of Registration for Professional Geologists  
Krissy Vesseth

\*\*\* PLEASE NOTE \*\*\*

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Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Division of Occupational and Professional Licenses

**Agency Contact:** Krissy Veseth      **Phone:** 208-577-2491

**Date:** August 30, 2024

**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 24.04.01 – Rules of the Board of Registration for Professional Geologists

**Fee Rule Status:**  X  **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 24-0401-2401

### **STATEMENT OF ECONOMIC IMPACT:**

The proposed rules increase the annual renewal from \$60 to \$100 pursuant to 54-2816, Idaho Code. These fees are proposed to be increased in response to the board's decreasing overall cash balance. Currently, the board has a negative cash balance when comparing revenue to expenditures. These proposed fees will cost this board's licensees an additional \$40 for renewals.

In Fiscal Year 2024, the board had 580 active licenses. If these proposed fees are approved, the division projects an increase of approximately \$23,200 in dedicated funds for the board.

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**  
**24.04.01 – RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**  
**DOCKET NO. 24-0401-2401 (ZBR CHAPTER REWRITE, FEE RULE)**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67- 9406, 67-9409, and 67-9413, Idaho Code, and 54-2801 through 54-2822, Idaho Code.

**PUBLIC HEARING SCHEDULE:** The public hearing concerning this rulemaking will be held as follows:

**24.04.01 – Rules of the Board of Registration for Professional Geologists**

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**Thursday, October 17, 2024 – 9 a.m. (MT)**  
**Division of Occupational and Professional Licenses**  
**EagleRock Room, Chinden Campus Building 4**  
**11341 W. Chinden Blvd.**  
**Boise, ID 83714**

[Virtual Meeting Link](#)

Telephone and web conferencing information will be posted on <https://dopl.idaho.gov/calendar/> and <https://townhall.idaho.gov/>.

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

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Board of Professional Geologists is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

This proposed rulemaking increases the annual renewal fee from \$60 to \$100.

**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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-0401-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2024, Idaho Administrative Bulletin, [Vol. 24-6, p.70-71](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

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 23, 2024.

DATED this 30th day of August, 2024.

Krissy Veseth  
Bureau Chief  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714  
Phone: (208) 577-2491  
Email: [krissy.veseth@dopl.idaho.gov](mailto:krissy.veseth@dopl.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0401-2401**  
**(ZBR Chapter Rewrite)**

**24.04.01 – RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to Sections 54-2808, ~~67-2604, 67-2614, 67-9409, and 67-9406~~, Idaho Code. (3-28-23)(    )

**001. SCOPE.**

These rules govern the practice of geology in Idaho. (3-28-23)

~~002. 009.~~ **(RESERVED)**

~~010~~**02. DEFINITIONS.**

~~For the purposes of these rules, the following definitions apply:~~ (3-28-23)

**01. Geologist-in-Training.** ~~The interim designation given to any person who has met the academic requirements and successfully passed the fundamentals of geology portion of the professional examination but has not yet completed the requisite years of experience and passed the practices of geology examination.~~ An individual who has met the academic qualifications established by the Board, who has successfully passed a written examination demonstrating knowledge of the Fundamentals of Geology, and who has been enrolled as a Geologist-in-Training by the Board. (3-28-23)(    )

~~02. Registrant.~~ Any person currently registered as a professional geologist. (3-28-23)

~~03.~~ **Responsible Position.** A position ~~wherein~~ in which a person, ~~having~~ has independent control,

direction, or supervision of a geological project, and who investigates and interprets geologic features. (3-28-23)( )

**043. Responsible Charge.** ~~Means the e~~ Control and direction of geology work, requiring initiative, professional skill, independent judgment, and professional knowledge of the content of relevant documents during their preparation. (3-28-23)( )

~~043.~~ -- 099. (RESERVED)

**100. LICENSURE.**

**01. Examination.** ~~Except as otherwise provided in statute, every Applicant for registration as a professional geologist shall take and pass the ASBOG Fundamentals of Geology and Practice of Geology Examinations. Applicants who have completed the educational requirements of Section 54-2812, Idaho Code, may be eligible to take the Fundamentals of Geology examination prior to graduation.~~ ( )

**a. Authorization.** ( )

**i.** ~~Not less than ninety (90) days prior to the examination date, the Applicant shall give written notice to the Board of the applicant's intent to take the examination. Not less than thirty (30) days prior to the examination date, the Board shall notify each Applicant in writing of the acceptance or rejection of the application, and, if rejected by the Board, the reason for the rejection.~~ ( )

**b. Reexamination.** ~~An Applicant failing their first examination may apply for reexamination without filing a new Application and shall be entitled to such reexamination on payment of the reexamination fee.~~ ( )

**c. Scores.** ~~An Applicant for registration by examination must successfully pass both the Fundamentals of Geology examination and the Practice of Geology examination. The passing score is determined by ASBOG. An Applicant who has passed only the Fundamentals of Geology examination is eligible to receive a certificate as a Geologist-in-Training. An Applicant who has passed the Practice of Geology examination is eligible to apply for registration as a professional geologist.~~ ( )

**02. Geologist-In-Training.** ~~An Applicant who has passed the Fundamentals of Geology examination will receive a certificate of completion designating the Applicant as a Geologist-in-Training. A Geologist-in-Training shall not practice without supervision. Certification as a Geologist-in-Training is limited to ten (10) years.~~ ( )

~~101. -- 199.~~ (RESERVED)

~~100~~**200. GENERAL PROVISIONS PRACTICE STANDARDS.**

**01. Certificates.** Certificates of registration are issued to each Registrant on forms adopted by the Board. ~~Certificates must be displayed by Registrants in their place of business~~ (3-28-23)( )

**02. Seals.** ~~The Board has adopted a seal for use by each Registrant. Whenever the seal is applied, t~~ The Registrant's signature and date are also included. A signature may be a handwritten or digital signature. If the signature is handwritten, it will 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.) (3-28-23)( )

**a.** The seal, signature, and date must be placed on all final specifications, reports, information, and calculations, ~~whenever presented. Any such~~ A document that is not final and does not contain a seal, signature, and date will be clearly marked as "Preliminary," "Draft," or "Not for Construction," ~~or with similar words to distinguish the document from a final document.~~ (3-28-23)( )

**b.** The seal, signature, and date must be placed on all original documents. The application of the Registrant's seal, signature, and date constitutes certification that the work ~~thereon~~ was done by the Registrant or under the Registrant's supervision. Each plan or drawing sheet is sealed and signed by the Registrant or Registrants

responsible for each sheet. In the case of a business entity, each plan or drawing sheet is sealed and signed by the Registrant or Registrants involved. The supervising professional geologist signs and seals the title or first sheet. ~~Copies of electronically produced documents, listed in Paragraph 100.06.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:" are placed adjacent to or across the seal on the electronic original. The storage location of the original document must also be provided.~~ Only the title page of reports, specifications, and like documents need bear the seal, signature, and date ~~of the Registrant.~~ (3-28-23)(    )

~~e.~~ The seal and signature may be used by the Registrant only when the work being stamped was under the Registrant's responsible charge. Upon sealing, the Registrant takes full professional responsibility for that work. After the fact ratification by the sealing of documents relating to work that was not performed by the Registrant but by an unregistered subordinate or other unregistered individual and without thorough technical review throughout the project by the sealing Registrant is prohibited. (3-28-23)

~~d.c.~~ In the event a Registrant in responsible charge of a project ~~leaves employment, is transferred, is promoted, becomes incapacitated, dies, or is otherwise~~ is not available to seal, sign, and date final documents, the duty of responsible charge for the project is accomplished by successor Registrant by becoming familiar with and reviewing, in detail, and retaining the project documents to date. Subsequent work on the project must clearly and accurately reflect the successor Registrant's responsible charge. The successor Registrant must seal, sign, and date all work product ~~in conformance with Section 54-2815, Idaho Code.~~ (3-28-23)(    )

**03. Address Change.** Each Applicant and Registrant must notify the Board within sixty (60) days of any and all changes of address, giving both old and new address. (3-28-23)

~~101-201.~~ -- ~~149-399.~~(RESERVED)

~~150-400.~~ FEES.

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$100
Initial Certificate	\$20
Annual Renewal	<del>\$60</del> 100
Annual Renewal for Registrants Seventy (70) Years of Age or Older	One-half (1/2) of <del>the current</del> renewal fee
Reinstatement	<del>Is as provided in Section 67-2614,</del> \$200, pursuant to Section 54-2816, Idaho Code
Duplicate Certificate	\$20
<del>Examination-</del>	<del>Set by ASBOG</del>

(3-28-23)(    )

~~151-199.~~ (RESERVED)

**200. APPLICATION PROCEDURES.**

**01. Applications.** Applications for registration must be: (3-28-23)

**a.** On forms prescribed by the Board and accompanied by official transcripts, reference statements, and a signed code of ethics; (3-28-23)



~~b. Received by the Board, if for registration by examination, not less than ninety (90) days prior to the date of examination; (3-28-23)~~

~~and c. Subscribed and certified to by the Applicant under penalty of perjury as provided for by state law; (3-28-23)~~

~~d. Incomplete applications will not be accepted by the Board and will be returned to the Applicant with a statement of the reason for return. (3-28-23)~~

~~02. **Dates.** The date of application is 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, is computed from the date of application as described above. (3-28-23)~~

~~03. **References.** Statements from personal references in Responsible Positions concerning the Applicant's technical ability and personal character, will 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. (3-28-23)~~

~~04. **Lack of Activity.** If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless good cause is demonstrated to the Board. (3-28-23)~~

~~201.—299. (RESERVED)~~

**300. EXAMINATIONS.**

~~Except as otherwise provided in statute, every Applicant for registration as a professional geologist shall take and pass the complete professional examination for registration as a professional geologist. (3-28-23)~~

~~01. **Fundamentals of Geology.** The written examination is the Fundamentals of Geology examination provided by ASBOG. To be eligible to take the Fundamentals of Geology examination, an Applicant must have completed thirty (30) semester units or equivalent quarter units in courses in geological science leading to a degree in the geological sciences of which at least twenty-four (24) units are in third or fourth year, and/or graduate courses. Applicants who can satisfy to the Board that they will have completed the required coursework and number of units and will be graduating at the end of the spring, summer or fall terms of any given year, may be eligible for examination immediately preceding the date of graduation. (3-28-23)~~

~~02. **Practice of Geology.** The written examination is the Practice of Geology examination provided by ASBOG. To be eligible to take the Practice of Geology examination an Applicant must have satisfied the education requirements as set forth in Section 54-2812, Idaho Code. (3-28-23)~~

~~03. **Authorization.** (3-28-23)~~

~~a. The Board shall notify each Applicant in writing of the acceptance or rejection of his Application and, if rejected, the reason for the rejection. (3-28-23)~~

~~b. Not less than ninety (90) days prior to the examination date, the Applicant shall give written notice to the Board of his intent to take the examination and shall submit all applicable testing fees in full. (3-28-23)~~

~~e. Not less than thirty (30) days prior to the examination date, the Board shall give written notice to each Applicant that has previously given written notice and has paid his examination fees, of the date, time, and location(s) of the examination. (3-28-23)~~

~~04. **Retesting.** An Applicant failing their first examination may apply for retesting without filing a new Application and shall be entitled to such retesting on payment of the retesting fee. Provided, however, that it shall be unlawful for an Applicant failing any examination to practice professional geology under the~~

~~appropriate provisions of the Act. (3-28-23)~~

~~**05. Time and Place.** The Board shall make all arrangements necessary to provide sufficient help to conduct examinations and to provide adequate facilities at such locations throughout the state as may be required to accommodate the number of Applicants to be examined upon the dates prescribed by ASBOG. (3-28-23)~~

~~**06. Scores.** An Applicant for registration by examination must successfully pass both the Fundamentals of Geology examination and the Practice of Geology examination. (3-28-23)~~

~~**a.** Every Applicant receiving a scaled score of seventy (70) or more, as determined by ASBOG, on the Fundamentals of Geology examination shall be deemed to have passed the examination, is thereby eligible to receive certification as a Geologist in Training. (3-28-23)~~

~~**b.** Every Applicant receiving a scaled score of seventy (70) or more, as determined by ASBOG, on the Practice of Geology examination shall be deemed to have passed such examination and will be registered as a professional geologist. (3-28-23)~~

~~**e.** Every Applicant receiving a scaled score of less than seventy (70), as determined by ASBOG, on either the Fundamentals of Geology examination or the Practice of Geology examination, is deemed to have failed such examination. Every Applicant having failed will have his Application denied without prejudice, but will be allowed to retake the failed examination in accordance with Subsection 300.04 of these rules. (3-28-23)~~

~~**07. Re Score or Review of Examination.** (3-28-23)~~

~~**a.** An Applicant who fails to obtain a passing grade in any portion of the written examination may request a rescore or review of his examination papers at such times, locations, and under such circumstances as may be designated by the Board, ASBOG, or both. (3-28-23)~~

~~**b.** When a review is requested and authorized, at the time of review, no one other than the examinee or his attorney and a representative of the Board will have access to such examination papers. (3-28-23)~~

~~**301. -- 399. (RESERVED)**~~

~~**400. GEOLOGIST IN TRAINING.**~~

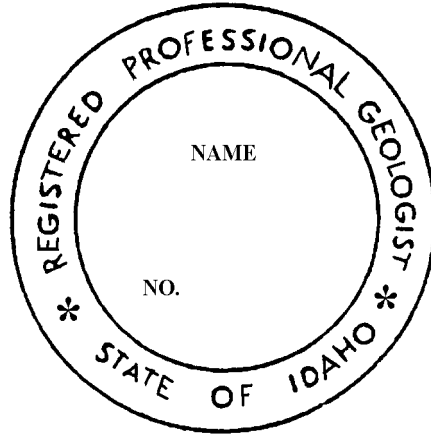
~~An Applicant who has passed the Fundamentals of Geology examination and satisfied the education requirements set forth in Subsection 300.01 of these rules, will receive a certificate of completion designating the Applicant as a Geologist in Training. (3-28-23)~~

~~**01. Supervised Practice.** The possession of a Geologist in Training certificate by an Applicant does not entitle the Applicant to practice professional geology without supervision. (3-28-23)~~

~~**02. Limitation.** Designation as a Geologist in Training is limited to a period not to exceed ten (10) years. If after ten (10) years the Geologist in Training has not met all requirements for registration as a professional geologist, the Geologist in Training certification is withdrawn and the Applicant must re-apply for registration. (3-28-23)~~

~~**401. -- 999. (RESERVED)**~~

~~APPENDIX A -- AS REFERENCED IN SECTION 24.04.01.100.06.b.~~



SEAL OF REGISTERED PROFESSIONAL GEOLOGIST  
Diameter of Outer Ring: 1 1/2 Inches  
Diameter of Inner Ring: 1 Inch