

PROSPECTIVE ANALYSIS

BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

IDAPA 24.04.01

RULE 300 EXAMINATIONS

Proposed Rule: The proposed rule simplifies and streamlines the current rule, removing unnecessary and confusing verbiage, and enables the testing provider to set the passing score.

Current Rule: Idaho is a state which follows the requirements set by National Association of State Boards of Geology, or ASBOG. ASBOG administers two examinations for licensure. The current rule requires the Applicant to take and pass both the ASBOG Fundamentals of Geology and Practice of Geology Examinations. Upon passing the Fundamentals of Geology Examination, an individual is eligible to obtain a certificate as a “Geologist-In-Training.” The current rule sets the passing score at 70%.

Legal Authority: Idaho Code § 54-2814 provides: “Examinations shall be held at such time and place as the board shall determine. The complete professional examination for registration as a professional geologist shall consist of a written examination that covers subjects ordinarily contained in a college curriculum and a written examination that covers the practice of geology. The board *shall* establish by rule the approved examinations, their passing score and an applicant’s eligibility to take the examinations.” Shall is mandatory language.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

Zero-Based Regulation requires that rulemaking is narrowly tailored to reduce or remove regulatory burdens. (*See* Executive Order No. 2020-01.) Allowing the testing provider to set the passing score removes a regulatory burden by removing that requirement from rule. It also allows for greater flexibility on a year-to-year basis as a passing score may change. This ensures greater access to licensure. Additionally, the proposed rule removes unnecessary and redundant language to provide clarity for applicants.

What evidence is there that the rule, as proposed, will solve the problem?

The current passing score is set in rule at 70%. This is problematic if the testing provider were to set a passing score at 60%, for example, because it would prevent individuals from being licensed in Idaho who have been deemed to be competent by the national testing provider.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Not applicable.	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Alaska is not an ASBOG state and therefore does not require the Fundamentals of Geology or Practice of Geology examinations. Geologist certification in Alaska is based solely upon the registration requirements of the American Institute of Professional Geologists (AIPG). Certifications have no expiration date and require no renewal fees. Geologists who practice independently, on a contract basis, must obtain an Alaska Business License. Alaska is not a member state of ASBOG; Alaska is part of the American Institute of Professional Geologists. https://aipg.org/ .	AK follows AIPG standards which differ from ASBOG.
Montana	Montana has no licensure requirements for geologists.	MT does not require licensure
Nevada	Nevada is not an ASBOG state and does not have a specific licensure for “geologist.” In Nevada, the licensing authority gives the title of “Certified Environmental Manager,” or “CEM.” An applicant must pass the CEM Exam. The content of the examination is determined by the Nevada Division of Environmental Protection. https://ndep.nv.gov/environmental-cleanup/certification/certified-environmental-manager https://www.leg.state.nv.us/nac/nac-459.html#NAC459Sec9726	NV provides a different licensure type and different examination.

<p>Oregon</p>	<p>Oregon is an ASBOG state and provides a license type of “Registered Geologist” through the Oregon State Board of Geologist Examiners. Oregon allows for a Geologist-In-Training license upon passage of the Fundamentals Examination. To become a registered geologist, an applicant must have passed both the Fundamentals and Practice portions of the examination. The passing score is not set in rule.</p> <p>https://oregon.public.law/rules/oar_809-030-0015</p>	<p>OR does not set a passing score in rule.</p>
<p>South Dakota</p>	<p>South Dakota provides licensure for the following classifications: Petroleum Release Service Professional: Certified Petroleum Release Assessor or Certified Petroleum Release Remediator. It is not an ASBOG state and the requirements for licensure are determined by South Dakota Board of Technical Professions. It does not use the Fundamentals or Practice examination.</p> <p>https://dlr.sd.gov/btp/</p>	<p>SD provides a different licensure type and different examination.</p>
<p>Utah</p>	<p>Utah is an ASBOG state. It requires passage of both the Fundamentals and Practice examinations for licensure. Utah’s administrative rule states that the passing score is set by ASBOG.</p> <p>https://casetext.com/regulation/utah-administrative-code/commerce/title-r156-professional-licensing/rule-r156-76-professional-geologist-licensing-act-rule</p>	<p>UT does not set a passing score in rule.</p>
<p>Washington</p>	<p>Washington is an ASBOG state. An applicant is required to have passed both the Fundamentals of Geology and Practice of Geology Examinations prior to licensure. Washington does not set a passing score in rule.</p>	<p>WA does not set a passing score in rule/</p>

	https://app.leg.wa.gov/wac/default.aspx?cite=308-15-040	
Wyoming	Wyoming is an ASBOG state. Applicants for registration must pass both the Fundamentals of Geology and Practice of Geology examinations. A passing score is not set in rule. https://rules.wyo.gov/Search.aspx?mode=1	WY does not set a passing score in rule.

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

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Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

RULE 400 FEES

Proposed Rule: The proposed rule increases the renewal fee to \$100, the maximum allowed by Idaho Code.

Current Rule: The current renewal fee is \$60.

Legal Authority: Idaho Code § 54-2816 states “Renewal of a certificate of registration may be effected at any time prior to the expiration, the payment of a renewal fee to be fixed by the board at not more than two hundred dollars (\$200) biennially.”

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The current expenses of the Board exceed the revenue from the collection of fees, like the renewal fee. The renewal fee of \$60 has not been changed since at least 2010, and the Board has seen increased costs over the year.

What evidence is there that the rule, as proposed, will solve the problem?

The increase in the renewal fee is projected to bridge the gap between the expenditures and the revenue for this Board. The gap is currently approximately \$12,000.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Not applicable.	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Alaska does not have a renewal fee, as they only require an initial registration of geologists. Professional Geologists, Professional Licensing, Division of Corporations, Business and Professional Licensing (alaska.gov)	Idaho requires annual renewal of licensure.

Montana	Montana has no licensure requirements for geologists.	MT does not require licensure
Nevada	Nevada has no specific licensure requirements for geologists.	NV does not require geologist licensure
Oregon	\$240 annual renewal fee Oregon State Board of Geologist Examiners : Fees : State of Oregon	OR has a higher renewal fee than Idaho.
South Dakota	South Dakota does not specifically license geologists	SD does not specifically license geologists
Utah	\$138 biannual renewal fee Renew a Geology License - dopl.utah.gov	UT has a higher renewal fee than Idaho.
Washington	\$135 annual renewal fee Renew or update your license: Geologists Washington State Department of Licensing	WA has a higher renewal fee than Idaho.
Wyoming	\$90 annual renewal fee old - Renew By Mail.pdf - Google Drive	WY will have a lower renewal fee than Idaho, by \$10.

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Only Wyoming's renewal fees are less. According to their rules, the maximum fee that is allowable is \$100. It is possible that the fee could be increased in Wyoming.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	Will increase revenue to the Board o Geologists only.
Impact to Idaho businesses, with special consideration for small businesses	Will increase an annual renewal fees to any geologist who practices in the state.
Impact to any local government in Idaho	N/A