

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon State Board of Geologist Examiners (OSBGE)

809

Agency and Division

Administrative Rules Chapter Number

Establish procedures for reissuance of revoked registration, clarify meaning of responsible charge, update registration standards

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: **PROPOSED ADOPTION:** 809-015-0020;

PROPOSED AMENDMENT: 809-003-0000, 809-030-0005, 809-030-0015, 809-030-0020, 809-050-0000, 809-050-0010

Statutory Authority: ORS 672.310, 672.515, 672.545, 672.555, 672.565, 672.585, 672.595, 672.605, 672.685

Other Authority: Not Applicable

Stats. Implemented: ORS 672.505-672.705

Need for the Rule(s):

PROPOSED ADOPTION: The statute addressing the public practice of geology allows OSBGE to reissue registration to any person whose registration has been revoked upon written application to the Board showing good cause. The new rule would establish procedures for such applications where none currently exist, providing more certainty to applicants about how the Board will consider such requests.

PROPOSED AMENDMENT: The statute addressing the public practice of geology uses the term "responsible charge" as do OSBGE rules adopted in OAR Chapter 809. The primary purpose of the proposed rule changes is to clarify what the statutory term "responsible charge" means with respect to registration and the public practice of geology in Oregon to better ensure consistent understanding and use of this term. This will in turn help the Board ensure that work experience obtained by an individual in "responsible charge" is appropriately credited while protecting public, health, and safety through the registration of only those individuals qualified to publicly practice geology in Oregon. Secondary but also important purposes for these rule changes are to clarify requirements for different types of registration and temporary permits, revise language deemed potentially unclear to registrants, and to enhance overall readability. The Board is also taking this opportunity to amend qualification standards for the certified engineering geologist registration to allow a combination of supervised and responsible charge work experience which is not allowed under existing rule.

Documents Relied Upon, and where they are available:

The Board partially relied on the work of its Rules Advisory Committee, as documented in e-mails and meeting minutes. The Board also discussed draft rules at Board quarterly work sessions and meetings and maintains records of documents reviewed and meeting minutes. The Board obtained legal counsel review and advice. A rulemaking file is also maintained in the Board office. All documents subject to public disclosure are available upon request through the Board's administrative office by contacting the Board Administrator.

Fiscal and Economic Impact:

The proposed new rule and proposed rule amendments are put forth by the Board primarily to ensure consistent use of terminology within Board rules, clearly reflect statutory requirements, and clarify standards for registration. The Board does not anticipate any fiscal impact on applicants, registrants, businesses, or other interested parties as the proposed rules do not increase fees or toughen registration standards. Compliance with the rules should be easier as registrants will have more clarity about what is required by the Board and how to prepare applications for registration or requests for reissuance of registration.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

No impact anticipated. The proposed changes apply to existing registrants and applicants for registration. The changes do not impact how the geologist practice act or OSBGE rules apply to state agencies, local governments, or the general public. Since the Board does not anticipate fiscal impacts on applicants or registrants, the Board does not foresee any transfer of increased costs to state agencies, local governments or the general public when securing the services of registered geologists or certified engineering geologists.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The Board registers individuals and not businesses. Registrants work in a variety of companies, but the Board does not anticipate any impacts to these businesses or the geology services industry in general. The Board also has no way of knowing how many or which small businesses might contract with registrants during the biennium. However, adoption of the proposed rules does not subject businesses and industries with small businesses to any new requirements. The proposed rule amendments apply to existing registrants and applicants for registration. The proposed new rule applies only to applicants with a revoked registration; the Board rarely reaches a point of revoking a registration so very few individuals or small businesses would be impacted by the rule. For an individual seeking reissuance, the rule should assist as it clarifies procedures that are otherwise undefined and then subject to case-by-case interpretation.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No impact anticipated. No change in standard administrative procedures for the Board although enhanced clarity in the rules could facilitate even more timely review of applications. No impact on small businesses or others expected.

c. Equipment, supplies, labor and increased administration required for compliance:

No impact anticipated. No change in standard administrative procedures for the Board. No impact on small businesses or others expected.

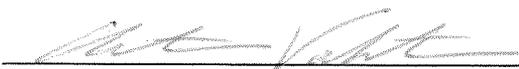
How were small businesses involved in the development of this rule?

Board meetings and Rule Advisory Committee meetings where discussion of the rules occurred were public meetings, noticed and open to the public. Information about these rules was included in Board newsletters shared with registrants and other interested parties and also posted on the Board website for the general public. All registrants and other interested parties will be notified of the proposed rules and invited to comment on behalf of their businesses or as individuals. Any small business with activity considered to be the public practice of geology or other interests in the rules may provide comments to the Board through submission of written comments to the Board office or by participation in the rulemaking hearing..

Administrative Rule Advisory Committee consulted?:

Yes, but not fully as described in ORS 183.333. The OSBGE Rules Advisory Committee was engaged to review initial drafts of these rules. The Committee, composed of volunteers from the registrant community and chaired by a Board member, was asked to review all aspects of the proposed rules. The Committee was not, however, specifically asked to comment on the potential fiscal impacts of the proposed rule changes. Therefore, the Committee technically may not meet the definition of Rules Advisory Committee as used in the context of ORS 183.333.

If not, why?: The OSBGE Rules Advisory Committee was asked to review the initial draft rules for any and all potential impacts on the registrant community and the public practice of geology. The Board did not request that the Committee focus on questions of fiscal impact but did not in any way preclude the Committee from addressing fiscal impacts. The proposed rules approved by the Board for public review reflect input received from the Committee.


Signature

Christine Valentine
Printed name

3/13/12
Date