

PUBLIC PROTECTION CABINET
Department of Professional Licensing
Board of Registration for Professional Geologists
(Amendment)

201 KAR 31:010. Fees.

RELATES TO: KRS 322A.050, 322A.060, 322A.070

STATUTORY AUTHORITY: KRS 322A.030(5), 322A.050, 322A.060(1), 322A.070(1),
(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.040, 322A.050, and 322A.060 authorize the board to establish application, registration, renewal, and examination fees. KRS 322A.070(3) authorizes the board to replace registrations if needed. This administrative regulation establishes the fees charged by the board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

Section 1. Application Fee.

(1) The application fee for registration as a professional geologist or certification as a geologist-in-training shall be non-refundable pursuant to KRS 322A.050 and shall be paid with the filing of the application.

~~[(1)] [The application fee for registration as a professional geologist or certification as a geologist-in-training for each application filed from January 1 to September 30 of each odd numbered year shall be fifty (50) dollars.]~~

(2) The application fee for registration as a professional geologist or certification as a geologist-in-training ~~[for each application filed from October 1 of each odd numbered year to December 31 of each even numbered year]~~ shall be \$150~~[\$100]~~.

Section 2. Examination Fees. An applicant for registration as a professional geologist or certification as a geologist-in-training shall be responsible for payment of the required examination fee charged by the National Association of State Boards of Geology.~~[The fees established in subsections (1) and (2) of this section shall be paid with the filing of the registration or certification application in connection with the licensure examinations required by the board.]~~

~~[(1)] [The fee for the Fundamentals of Geology (FG) portion of the examination shall be the prevailing fee charged by the National Association of State Boards of Geology for that test plus a twenty five (25) dollar processing fee for each initial and subsequent administration.]~~

~~[(2)] [The fee for the Practice of Geology (PG) portion of the examination shall be the prevailing fee charged by the National Association of State Boards of Geology for that test plus a twenty five (25) dollar processing fee for each initial and subsequent administration.]~~

Section 3. Biennial Renewal Fees and Penalties. The fees established in subsections

(1) through ~~(5)~~~~[(3)]~~ of this section shall be paid in connection with licensure and certification renewals and late renewal penalties. (1) The biennial renewal fee for registration as a professional geologist or certification as a geologist-in-training shall be \$175~~[\$100]~~.

(2) The late biennial renewal fee as a professional geologist or certification as a geologist-in-training, including penalty, for late renewal during the ninety (90) day grace period shall be \$225~~[\$150]~~.

(3) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training renewal after the end of the ninety (90) day grace period and before

the registration or certification is revoked pursuant to KRS 322A.060(3) shall be \$275~~[200]~~.

(4) In lieu of paying the biennial renewal fee, a person may opt to renew his or her registration or certification as inactive.

(a) The biennial inactive renewal fee shall be \$100.

(b) A registration or certification may be renewed in inactive status indefinitely.

(c) The late biennial renewal fee shall be \$175.

(d) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training as an inactive renewal after the end of the ninety (90) day grace period and before the registration or certification is revoked pursuant to KRS 322A.060(3) shall be \$200.

(5) To reinstate a license from inactive status, a licensee shall remit the reinstatement fee in subsection (3) of this section.

Section 4. Duplicate Registration or Certification Fees. The fee for a duplicate of the original registration or certification certificate shall be ten (10) dollars.

(19 Ky.R. 1019; eff. 11-24-1992; Am. 20 Ky.R. 3222; eff. 8-4-1994; 28 Ky.R. 134; 560; eff. 9-10-2001; 32 Ky.R. 937; 1221; eff. 2-3-2006; 39 Ky.R. 2386; 40 Ky.R. 536; eff. 10-4-2013; 44 Ky.R. 127; 729; eff. 11-3-2017; Cert eff. 2-20-2020; 49 Ky.R. 1137; eff. 5-2-2023.)

JEREMY SYLVESTER, Board Counsel

APPROVED BY AGENCY: October 13, 2022

FILED WITH LRC: October 13, 2022 at 3:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on December 21, 2022, at the Public Protection Cabinet, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on December 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Zachary M. Zimmerer, Assistant Attorney General, Kentucky Office of the Attorney General, Office of Civil and Environmental Law, 700 Capital Avenue, Suite 118, 502-696-5300, 502-564-2894, email Zachary.Zimmerer@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Zachary M. Zimmerer

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the application, examination, and renewal fees collected by the Board. This administrative regulation increases the application and renewal fees imposed by the Board and amends the Board's examination policy to be consistent with anticipated changes to the procedures used by National Association of State Boards of Geology. This administrative regulation also introduces the option of an inactive registration and certificate renewal.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to allow the Board to charge appropriate application, examination, and renewal fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 322A.040, 322A.050, and 322A.060 authorize the board to establish application, registration, renewal, and examination fees. This administrative regulation establishes the fees charged by the Board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes the fees charged by the Board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This administrative regulation increases the Board's application and renewal fees and updates the Board's examination rules to be consistent with anticipated changes to the procedures used by National Association of State Boards of Geology.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to be consistent with anticipated changes to the procedures used by National Association of State Boards of Geology, the Board's testing provider. Additionally, this amendment is necessary to modernize the Board's application and renewal procedures.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 322A.040, 322A.050, and 322A.060 authorize the board to establish application, registration, renewal, and examination fees. This administrative regulation establishes the fees charged by the Board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

(d) How the amendment will assist in the effective administration of the statutes:

This administrative regulation establishes the fees charged by the Board to apply for registration or certification, sit for the examination, and renew and reinstate a

registration or certification.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Board only regulates individuals. No businesses, organizations, or state and local governments will be affected by this administrative regulation. The Board currently has 1195 registrants and certification holders. The Board anticipates 58 new applications annually. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The individuals identified in question (3) will be required to pay the increased application and renewal fees to obtain and maintain registration or certification. New applications will be required to make examination arrangements directly with National Association of State Boards of Geology, the Board's testing provider.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The individuals identified in question (3) will be required to pay the increased application and renewal fees to obtain and maintain registration or certification. New applications will be required to make examination arrangements directly with National Association of State Boards of Geology, the Board's testing provider.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

New applicants will incur an additional \$50 - \$100 cost to obtain a registration or certification. The amendment provides for a uniform cost without regard to odd or even numbered years. Renewing registrants and certification holders will incur an additional \$75 cost to maintain an active registration or certification.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

New applicants will enjoy a streamlined examination registration process by making examination arrangements directly with National Association of State Boards of Geology, the Board's testing provider. Current registrants and certificate holders may take advantage of the new inactive registration or certificate renewal option offered for a \$100 fee.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There is no cost associated with implementing this administrative regulation.

(b) On a continuing basis:

There is no continuing cost associated with implementing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Board is funded exclusively through license application and renewal fees. The Board will fund any implementation and enforcement costs through its application and renewal fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary to implement the changes in this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does establish and increase existing fees.

(9) TIERING: Is tiering applied?

No. Tiering is not applied.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

No units, parts, or divisions of state or local government will be impacted by this administrative regulation beyond the Board itself.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 322A.030, KRS 322A.050, 322A.060, 322A.070.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no effect on the expenditures of state or local government in the first full year this administrative regulation is in effect. The Board expects to realize an increase of \$67,400 in revenue in the first full year this administrative regulation is in effect compared to what the Board would have received under the existing fee structure. However, due to a decline in registration rolls, the Board's estimate of revenue for the next two-year period is only about \$8,000 more than the revenue available to pay for the Board's operational expenses incurred during FY 20 through FY 21. Moreover, it is important to note that this regulation will take effect during a renewal period that only occurs every other year.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The Board expects to realize an increase of \$67,400 in revenue in the first full year this administrative regulation is in effect compared to what would have been realized under the existing fee structure. Again, the first year for the amended regulation corresponds to the next renewal period in 2023. As noted above, the total revenue estimates for the next two years amount to only about \$8,000 more than the revenue available to the Board to meet operational expenses in FY20 and FY21.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The Board expects to realize an increase of approximately \$5,800 in revenue in the year after the first year after this administrative regulation goes into effect compared to what the Board would have received under the existing fee structure. After that year, the Board predicts marginally less increased revenue for each two-year renewal period based on the number of registrants and certificate holders continuing to decline.

(c) How much will it cost to administer this program for the first year?

There is no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years?

There is no cost to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):+\$73,200 per two-year renewal cycle

Expenditures (+/-):0

Other Explanation:

It is difficult to estimate the increase in revenue for this regulation amendment. The Board expects a declining number of registrants over time. For example, 150 registrants and certificate holders chose not to renew during the last renewal period, which equates to about an 11 percent decline in revenue from renewal fees. The introduction of an inactive renewal registration also creates uncertainty with estimating revenue because that fee is \$50 less than the active renewal fee. The estimates provided here assume 20% of the registrants will choose an inactive registration during the next renewal period and that the Board will experience a 10% decline in total registrants and certificate holders in 2023.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

Regulated individuals and prospective applicants will incur additional expenditures to obtain and maintain a registration or certification.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not generate cost savings for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not generate cost savings for regulated entities.

(c) How much will it cost the regulated entities for the first year?

New applicants will incur an additional \$50 cost to obtain a registration or certification. Renewing registrants and certification holders will incur an additional \$75 cost to maintain a registration or certification for the renewal period starting in 2023.

(d) How much will it cost the regulated entities for subsequent years?

New applicants will incur an additional \$50 - \$100 cost to obtain a registration or certification, depending on whether they would have applied under the existing regulation providing for different fees in odd and even years. Renewing registrants and certification holders will incur an additional \$75 cost to maintain a registration or certification for subsequent biennial renewals.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):0

Expenditures (+/-):+\$75/per active registrant (every two years) and \$50-\$100/applicant

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

This administrative regulation will not have a major economic impact.