

PUBLIC PROTECTION CABINET
Kentucky 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)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8(2). The Kentucky Board of Registration for Professional Geologists is not among the agencies listed in Section 8(3) that require additional certification by the Governor.

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.

(2) The application fee for registration as a professional geologist or certification as a geologist-in-training shall be set at \$225.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$325.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$150]~~.

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.

Section 3. Biennial Renewal Fees and Penalties. The fees established in subsections (1) through (5) 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 set at \$250.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$375.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$175]~~.

(2) The late biennial renewal fee for registration or certification in active status 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 set at \$300.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$400.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board~~[\$225]~~.

(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 set at \$350.00, unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$450.00. Any such adjustment in fee shall be based on

financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board ~~[\$275]~~.

(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 for registration or certification in inactive status 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.

Section 5. Board Approval Required for Fee Adjustment. Except as otherwise provided in this chapter, any fee increase pursuant to this section shall be approved by a super-majority vote of the Board at a public meeting open to public comment and shall not exceed the maximum amount established in this section.

WILLIAM BRAB, Board Chair

APPROVED BY AGENCY: May 5, 2025

FILED WITH LRC: May 14, 2025 at 2:17 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on July 23, 2025, at 1:00 p.m. Eastern Time 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 at least five (5) working days 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 July 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person listed below.

CONTACT PERSON: Adrian L. Del Valle, Assistant Attorney General, Kentucky Office of the Attorney General, Office of Civil and Environmental Law, 700 Capital Avenue, Suite 118, (502) 696-5363, and Adrian.Delvalle@ky.gov; see also a publicly accessible link to the Public Protection Cabinet's public comment portal accessible at https://ppc.ky.gov/reg_comment.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Adrian L. Del Valle.

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the application, examination, biennial renewal, late renewal, inactive renewal, and reinstatement fees for professional geologists and geologists-in-training. It authorizes the Board to adjust certain fees based on financial necessity, administrative costs, or other relevant factors. The regulation increases key fees, including raising the application fee from \$150.00 USD to \$225.00 USD, the biennial renewal fee from \$175.00 USD to \$250.00 USD, the late biennial renewal fee from \$225.00 USD to \$300.00 USD, and the reinstatement fee from \$275.00 USD to \$350.00 USD. For those maintaining an inactive license, the regulation sets the biennial renewal fee at \$100.00 USD, the late biennial renewal fee at \$175.00 USD, and the reinstatement fee at \$200.00 USD. Additionally, new "Section 5" requires any future fee adjustment to be approved by a super-majority vote of the Board at a public meeting open to public comment and prohibits any adjustment from exceeding the maximum amounts established in the regulation.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to enable the Board to charge fees that appropriately reflect the cost of administering its statutory responsibilities, including licensing, certification, renewals, enforcement, and oversight of professional geologists and geologists-in-training. The updated fee structure ensures the Board can maintain financial stability and continue delivering essential regulatory services without interruption. Without these adjustments, the Board would face a projected funding shortfall that could jeopardize its operational effectiveness. The regulation also includes a mechanism for future fee adjustments based on financial necessity, administrative costs, or other relevant factors, while safeguarding transparency by requiring any such adjustment to be approved by a super-majority vote of the Board at a public meeting open to public comment.

(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 proposed administrative regulation assists in the effective administration of KRS 322A.040, 322A.050, and 322A.060 by ensuring that the Board has the necessary funding to carry out its regulatory responsibilities, including processing applications, renewals, and reinstatements, and overseeing examinations. By setting appropriate fees and allowing adjustments based on financial necessity, the regulation helps maintain the Board's operations without any financial disruption. Additionally, the structured fee adjustment process ensures transparency and accountability, allowing the Board to adapt to inflation and changing administrative costs while maintaining compliance with statutory requirements.

(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 amendment revises the existing administrative regulation by increasing the application, biennial renewal, late renewal, inactive renewal, and reinstatement fees for professional geologists and geologists-in-training. These adjustments are intended to ensure the Board's continued financial stability and ability to fulfill its statutory functions, including licensing, compliance oversight, and administrative operations. The amendment also adds a new provision ("Section 5") that authorizes the Board to adjust certain fees in the future based on financial necessity, administrative costs, or other relevant factors. To promote transparency and accountability, any such adjustment must be approved by a super-majority vote of the Board at a public meeting open to public comment. The regulation further establishes maximum fee limits for each adjustable fee category, ensuring that any future increases remain reasonable and subject to clear boundaries.

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

This proposed amendment is necessary to ensure the Board has sufficient funds to cover operational expenses, including administrative costs and required services, to regulate professional geologists effectively. Without the fee increases, the Board faces a financial shortfall that could impact its ability to process applications, renewals, and reinstatements, as well as fulfill its statutory duties. The amendment also introduces a structured process for future fee adjustments, allowing the Board to respond to financial needs while maintaining transparency and public accountability.

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

This proposed amendment conforms to KRS 322A.040, 322A.050, and 322A.060, which grant the Board authority to establish application, registration, renewal, and examination fees for professional geologists and geologists-in-training. The amendment increases these fees to ensure the Board remains financially stable while continuing to fulfill its regulatory duties. Additionally, it aligns with the statutes by establishing a clear process for adjusting fees based on financial necessity, ensuring that any changes remain within the Board's legal authority and are subject to public oversight.

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

This proposed amendment will assist in the effective administration of KRS 322A.040, 322A.050, and 322A.060 by ensuring that the Board has sufficient financial resources to carry out its regulatory responsibilities, including processing applications, renewals, reinstatements, and examinations. By increasing fees and allowing for future adjustments based on financial necessity, the amendment helps prevent budget shortfalls that could disrupt the Board's operations. Additionally, the structured fee adjustment process promotes transparency and accountability, ensuring that any changes align with statutory requirements while maintaining the Board's ability to regulate the profession effectively.

(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 1,136 registrants and certification holders. The Board anticipates 58 new applications annually.

(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, renewal, late renewal, inactive renewal, and reinstatement fees to obtain and maintain registration or certification. To avoid higher penalties, registrants must ensure timely renewal within the required period. Additionally, they should stay informed about potential future fee adjustments, which may be approved by a super-majority vote at a public meeting open to public comment, and adjust their financial planning accordingly to account for the increased costs of licensure and renewal.

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

In complying with this amendment, each registrant or certification holder identified in question (3) will experience an increase in fees related to application, licensure renewal, late renewal, inactive renewal, and reinstatement. The application fee will increase from \$150.00 USD to \$225.00 USD, representing a \$75.00 USD increase. The biennial renewal fee will increase from \$175.00 USD to \$250.00 USD, and the late biennial renewal fee for inactive licensees will increase from \$225.00 USD to \$300.00 USD, each also reflecting a \$75.00 USD increase. The reinstatement fee for active licensees after the end of the ninety (90) day grace period and before the registration or certification is revoked will increase from \$275.00 USD to \$350.00 USD, a \$75.00 USD increase. Additionally, the regulation specifies certain fees for inactive status that predate this amendment. These include a biennial inactive renewal fee of \$100.00 USD, a late biennial renewal fee (inactive) of \$175.00 USD, and a reinstatement fee from inactive status after the end of the ninety (90) day grace period and before the registration or certification is revoked of \$200.00 USD. The amendment provides for a uniform cost without regard to odd or even numbered years.

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

As a result of compliance with this amendment, registrants and certification holders will benefit from a financially stable and operationally effective Board, ensuring the continued processing of applications, renewals, and reinstatements without service interruptions. The increased fees will allow the Board to cover administrative costs and operational expenses, maintaining its ability to regulate the profession and uphold licensing standards. Additionally, the structured fee adjustment process provides transparency and predictability, allowing registrants to plan for potential future increases while ensuring that any adjustments remain necessary and justifiable through a public approval process.

(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 proposed administrative regulation.

(b) On a continuing basis:

There is no continuing cost associated with implementing this proposed 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, reinstatement, 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 increase existing fees.

(9) TIERING: Is tiering applied?

No. Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, 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.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

The regulation is expressly authorized by KRS 322A.030, KRS 322A.040, KRS 322A.050, KRS 322A.060, and KRS 322A.070, all of which were enacted by the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Board of Registration for Professional Geologists, which operates under the umbrella of the Public Protection Cabinet. This agency is solely responsible for issuing and regulating licenses and certifications for geologists and geologists-in-training within the Commonwealth. No other state agencies, divisions, or governmental parts are impacted by this regulation beyond the Board itself.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

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

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

2. Revenues:

For the first year:The Board expects to realize an increase of approximately \$81,225.00 USD 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 2025.

For subsequent years:The Board expects to realize an increase of approximately \$42,600.00 USD 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.

3. Cost Savings:

For the first year:None. The regulation increases revenue but does not reduce the Board's operating costs.

For subsequent years:None. The Board's expenses remain unchanged, and no savings are expected.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities are affected by this administrative regulation. It applies solely to individual professional geologists and geologists-in-training and has no fiscal or administrative impact on local governments or their subdivisions.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:None. Local governments aren't involved in licensing or regulating professional geologists, so they won't face any new costs.

For subsequent years:None. This regulation remains limited in scope to state-level licensure.

2. Revenues:

For the first year:None. No new revenue is generated for local entities.

For subsequent years:None. Local governments are unaffected.

3. Cost Savings:

For the first year:There are no savings - just a continuation of the status quo.

For subsequent years:No cost reductions are expected.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

The only regulated entities affected are individual professional geologists and geologists-in-training. No businesses, institutions, or non-governmental entities fall under the scope of this regulation.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:Individual licensees and new applicants will pay slightly more - specifically, \$75.00 more per transaction for things like applying for licensure or renewing it. For example, the application fee now stands at \$225.00 instead of \$150.00, and renewals increased from \$175.00 to \$250.00.

For subsequent years:The fee increases will remain in place, so the added cost will continue with each renewal or application cycle. No other new expenses are expected.

2. Revenues:

For the first year:Regulated individuals don't stand to earn revenue from this change; it's a licensing expense.

For subsequent years:The same applies - this is purely a cost to comply with licensing requirements.

3. Cost Savings:

For the first year:None. This change raises fees and doesn't introduce any savings.

For subsequent years:None. The regulation is about covering the Board's operating needs, it does not decrease costs for licensees or the Board.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

This regulation increases fees for professional geologists and geologists-in-training, which means individual licensees will pay more to apply, renew, or reinstate their licenses. While this does impose a modest financial impact on the regulated population, the tradeoff is necessary to keep the Board running smoothly and ensure it can continue processing licenses, enforcing standards, and maintaining oversight without disruption.

(b) Methodology and resources used to reach this conclusion:

The conclusion was based on a side-by-side comparison of old and new fees, multiplied across the current number of licensees (just over 1,100). Even accounting for the fee increases, the overall financial effect on any individual remains limited and manageable.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13):

No, this regulation will not have a “major economic impact” as that term is defined under Kentucky law. The fee increases - while meaningful to individual licensees - are modest in scope and limited in frequency, occurring primarily on a biennial basis. The financial obligations introduced by the regulation are proportional to the cost of administering the licensure program and are not expected to cause substantial economic hardship for the individuals or entities affected. For context, the most significant increase is \$75.00 per application or renewal cycle, and no local governments or private businesses are impacted. Because of this narrow and limited fiscal reach, the regulation does not meet the threshold for major economic impact under KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion:

This conclusion was reached by reviewing historical data on license and certification fee revenues, assessing how many individuals would be subject to the amended fees (currently 1,136 registrants), and projecting the total cost increase over the renewal cycle. The analysis considered the typical income levels of licensed geologists, the biennial renewal structure, and the fact that no other governmental or business entities are financially affected. Collectively, these factors confirmed that the economic impact remains moderate and does not rise to a statutory “major” level.