

TITLE 16, CALIFORNIA CODE OF REGULATIONS, DIVISION 29
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Thursday, May 12, 2011
9:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 12, 2011, or must be received by the Board immediately following the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7818 and 7822 of the Business and Professions Code, and to implement, interpret, or make specific Sections 7846 and 7887 of said Code, the Board is considering changes to Division 29 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

An applicant for licensure as a Professional Geologist must take and pass three separate examinations prior to obtaining licensure: the Fundamentals of Geology examination (FG), the Practice of Geology examination (PG), and the California Specific examination (CSE). The FG and PG examinations are created by, purchased from, and scored by the National Association of State Boards of Geology (ASBOG), which provides the California Board, along with the boards of many other states, the FG and PG national examinations. Effective March 2011, ASBOG is charging all its

customers (State Boards) \$250 for each of their PG examinations purchased. The Board, however, is currently charging applicants \$150 for these examinations. Not only does this result in a loss of \$100 per applicant, it results in the Board being out of compliance with statute. Business and Professions Code Section 7887(h) states that “each applicant for registration as a geologist shall pay an examination fee fixed by the board at an amount equal to the actual cost to the board to administer the examination described in subdivision (d) of Section 7841 that shall not exceed four hundred fifty dollars (\$450).”

This increase in the ASBOG PG examination fee affects several current subsections of CCR §3005. Section 3005(b)(4) states “each examination including both sections of the national examination and the California specific supplemental examination for registration as a geologist ... \$300.” Since this \$300 fee is based on a \$150 cost to the Board for each of the ASBOG national examinations (FG and PG) instead of the new \$250 fee being charged by ASBOG for the PG examination, this reduced examination fee of \$300 is much less than the cost to the Board of purchasing the examinations.

This proposed regulation would eliminate the reduced examination fees and the fee combinations listed in Section 3005 for any combination of the two (2) geology national examinations and the California Specific examination when taken together at one examination administration. Applicants would be charged the actual Board costs for each of the examinations. To ensure that the Board charges fees equal to its actual costs, as required by Business and Professions Code Section 7887(h), the fees specified in this proposed regulation must be increased.

In addition, Business & Professions Code Section 7887(a) requires applicants to pay \$250 when filing an application for licensure as a Professional Geologist or Professional Geophysicist, or certification as an Engineering Geologist or a Hydrogeologist. Also, Business and Professions Code Section 7846 states that “an applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this chapter.” However, Section 3005(d) allows examination applicants who fail an examination to reapply without payment of the \$250 application fee within a four (4) year period after failing the examination, resulting in Section 3005(d) being out of compliance with statute. This proposal would conform the regulation to Business and Professions Code Section 7846 by requiring all applicants to pay an application fee for their examinations and would repeal Section 3005(d).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

This proposed regulatory action would have an impact on applicants for licensure as a Professional Geologist due to the increase in the fees for the Practice of Geology examination. It does not appear that this impact will have a significant effect on the applicant population since those who wish to attain licensure will still need to go through the same process.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Larry Kereszt
Address:	2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833
Telephone No.:	(916) 263-2240
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E-Mail Address:	Larry.Kereszt@dca.ca.gov

The backup contact person is:

Name:	Patty Smith
Address:	2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833
Telephone No.:	(916) 263-1847
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E-Mail Address:	Patty.Smith@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.geology.ca.gov>.