

Oregon State Board of Geologist Examiners

2020 Annual Report on Rulemaking Activities

Submitted pursuant to HB 4106 (2016 Regular Session)

Contact: Christine Valentine, Board Administrator
707 13th St. SE, Suite 114
Salem, OR 97301
osbge.info@oregon.gov
503-566-2837

2020 Annual Report – OSBGE Rulemaking Activities



Oregon

Kate Brown, Governor

Board of Geologist Examiners

707 13th Street SE, Suite 114

Salem, OR 97301

Phone: 503-566-2837

Fax: 503-485-2947

E-mail: osbge.info@oregon.gov

Web: www.oregon.gov/OSBGE

January 23, 2020

Executive Summary

The Oregon State Board of Geologist Examiners (OSBGE) operates under authority granted through ORS 672.505-672.705, 670.300-670.380, and 182.454-182.472. OSBGE administrative rules are found in Chapter 809 of the Oregon Administrative Rules.

The reporting period for this report was changed to the calendar year, 01/01/2019 – 12/31/2019, instead of the 02/01 – 1/31 reporting period used in past reports.

For this 2020 rulemaking activities report, OSBGE's permanent rulemaking activities were as follows. OSBGE adopted amendments its Operating Budget rule to reflect its 2019-2021 budget, as required by ORS 182.462. OSBGE adopted amendments to its Public Records Requests rule to align the rules with legislative updates to the Oregon Public Records Law and direction from the Governor's Office regarding state agency processing of public records requests. OSBGE next completed updates to its rules governing licensure examinations and associated processes and fees. OSBGE considered input from its rules advisory committee in this last rulemaking.

Late in the year, OSBGE adopted temporary rules for temporary military spouse registration in accordance with 2019 legislation, specifically HB 3030 and SB 688. This was the only temporary rulemaking action taken by the OSBGE during the reporting period. Temporary rulemaking was employed to ensure rule enactment by the

2020 Annual Report – OSBGE Rulemaking Activities

effective date of the 2019 legislation. OSBGE started the rulemaking notice/hearing process for permanent rulemaking simultaneously with the temporary rule filing.

For details about the administrative rulemaking activities completed by OSBGE for prior reporting periods, please see the annual rulemaking activities reports submitted in prior years and also the biennial reports submitted by OSBGE to the Oregon Legislature.

Please direct any questions about this annual report or OSBGE to the Board office care of Christine Valentine, Board Administrator, at osbge.info@oregon.gov or 503-566-2837.

2020 Annual Report – OSBGE Rulemaking Activities

Oregon State Board of Geologist Examiners							
Administrative Rulemaking Activities 01/01/2019 – 12/31/2019							
Rulemaking Pursuant to ORS 183.335(2) and (3)							
#	OAR #	Rule Title & Description of Rule Amendments	Type (Perm/Temp)	Notice in Oregon Bulletin	Public Hearing Date	Board Adoption Date	SOS/LC Filing Date
1	809-010-0025	<u>Operating Budget</u> – Amendments to adopt by reference the 2019-2021 operating budget of the Board	Perm	04/2019	05/07/2019	06/05/2019	06/07/2019
2	809-001-0015	<u>Public Records Requests</u> – Amendments to align Board rule with updates to the Oregon Public Records Law and Governor/DAS direction on state agency processing of public records requests	Perm	04/2019	05/07/2019	06/05/2019	06/07/2019
3	809-003-0000	<u>Definitions</u> – update existing definitions for "ASBOG" and "National examination", add a new definition of "Candidate", renumber definitions accordingly	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
4	809-010-0001	<u>Fees</u> – add an examination processing fee as used in 809-040-0023 and 809-040-0030, plus housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
5	809-020-0030	<u>Misconduct</u> – update cross references found in rule to 809-003-0000 since definitions in that rule are being renumbered	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
6	809-040-0000	<u>Examination Application</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
7	809-040-0001	<u>Examination Application Deadlines</u> – give candidates more time to get applications for examination into the Board, update deadline from when postmarked to when received by the Board, and allow Board notices by mail or email.	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019

2020 Annual Report – OSBGE Rulemaking Activities

8	809-040-0002	<u>Date of Examinations</u> – address date for engineering geologist exam, plus housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
9	809-040-0003	<u>Examination Notice</u> – allow Board notice by mail or email	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
10	809-040-0004	<u>Picture Identification</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
11	809-040-0005	<u>Examination Information and Accommodations</u> – address how the Board handles reasonable accommodations under the Americans with Disabilities Act and related Oregon law, plus housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
12	809-040-0006	<u>Scope of Geologist Examination</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
13	809-040-0008	<u>Scope of Engineering Geologist Examination</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
14	809-040-0009	<u>Geologist-in-Training Examination</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
15	809-040-0010	<u>Scoring</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
16	809-040-0011	<u>Notice of Examination Score</u> – allow Board notice by mail or email	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
17	809-040-0020	<u>Review of Examination</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
18	809-040-0021	<u>Proctored Review and Manual Rescoring</u> – housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
19	809-040-0022	<u>Retake of Examination</u> – clarify approval process for evidence of examination preparation after two failures, clarify application deadline for examination retake, plus housekeeping revisions	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
20	809-040-0023	<u>Withdrawal from Examination or Forwarding of Examination Approval</u> – clarify requirements for request of withdrawal from examination or forwarding of examination approval to future administration date, provide candidates with more time to request forwarding of examination approval, provide candidates with ability to request fee refunds under limited circumstances when withdrawing from examination, and specify when an examination processing fee applies.	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019

2020 Annual Report – OSBGE Rulemaking Activities

21	809-040-0030	<u>Refunds</u> – provide candidates with ability to request fee refunds under limited good cause circumstances, define what qualifies for good cause and how to document, and specify when an examination processing fee applies.	Perm	10/2019	11/04/2019	12/06/2019	12/09/2019
Rulemaking Pursuant to ORS 183.335(5)							
#	OAR #	Rule Title & Description of Rule Amendments	Type (Perm/Temp)	Notice in OR Bulletin	Public Hearing Date	Board Adoption Date	SOS/LC Filing Date
1	809-010-0001	<u>Fees</u> – Amendments to add fees for new registration type	Temp	01/2020	N/A	12/06/2019	12/09/2019
2	809-050-0015	<u>Temporary Military Spouse Registration</u> – Add rule to create this new registration type in accordance with SB 688/HB3030 (2019)	Temp	01/2020	N/A	12/06/2019	12/09/2019

Temporary Rulemaking Statement of Need

HB 3030 (2019) and SB 688 (2019), passed by the Oregon Legislature and signed by the Governor, mandate that occupational licensure boards offer temporary military spouse registrations by 01/01/2020. The Board had to put rules in place to address these new statutory requirements.

Temporary Rulemaking Justification

HB 3030 (2019) and SB 688 (2019) require occupational licensure boards to offer temporary registrations to spouses/domestic partners of military members under certain circumstances. Occupational licensure boards must comply with the new statutes by 01/01/2020. At its first quarterly meeting after the 2019 session concluded, the Board directed staff to draft a new rule to implement these provisions. The Board approved the temporary rule at its next quarterly meeting. The Board acted to ensure spouses/domestic partners of military members have access to the temporary registrations as contemplated under HB 3030 and SB 688. Failure to adopt temporary rules would have created a period of time during which the Board could not issue temporary registrations, which would have put the Board in violation of statute.