



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised May 2018

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number
g. Agency Liaison Email Address		
h. Date of Public Notice		i. Comment Period End Date
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Chapter Numbers and Years Enacted
(eg: 2015 Session Laws Chapter 154):

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
-------	-------	-------	-----------

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
--

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	



WYOMING BOARD OF PROFESSIONAL GEOLOGISTS

2020 Grand Ave Ste 505
Laramie WY 82070
Pamela J. Girt, Executive Director

EMAIL ■ prof.geo@wyo.gov
WEBSITE ■ <http://wbpg.wy.gov>
TELEPHONE ■ (307) 742-1118

Robert A. Doctor Casper	Erin Campbell Laramie	Andrew K. Finley Casper	Levi J. Hime Laramie	Craig R. Smith Casper	Stuart Bryan Soliz Laramie	Paul J. Taucher Laramie
----------------------------	--------------------------	----------------------------	-------------------------	--------------------------	-------------------------------	----------------------------

STATEMENT OF PRINCIPAL REASONS FOR ADOPTION

The Wyoming Board of Professional Geologists (Board), pursuant to the authority vested in it by Wyoming Statutes §§ 33-1-302(a) and 33-41-106(a), has adopted revisions to the Rules of the Wyoming Board of Professional Geologists, Chapters 1 (Authority & Definitions), 2 (General Provisions), and 6 (Information Practices). These changes adopt uniform rules for public records, clarify inspection procedures for public records, update the Board Office address, correct chapter titles, and make other minor corrections.

Wyoming Statute § 33-1-302(a) requires the Board to “[p]rescribe and enforce rules, regulations and policies for its own government consistent with the laws of the state and rules and regulations[.]” The Wyoming Geologists Practice Act further authorizes the Board to “promulgate and enforce all rules and regulations.” Wyo. Stat. Ann. § 33-41-106(a).

On September 6, 2016, the Wyoming Department of Administration and Information promulgated uniform rules for inspection, copying, and producing public records. *See* Wyoming Department of Administration and Information, Director’s Office, Chapter 2, Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records. The Wyoming Administrative Procedure Act requires all state agencies to adopt “as much of the uniform rules... as is consistent with the specific and distinct requirements of the agency and state or federal law governing or applicable to the agency[.]” Wyo. Stat. Ann. § 16-3-103(j)(ii). The Wyoming Public Records Act authorizes the Board to “make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the [Board.]” Wyo. Stat. Ann. § 16-4-202(a).

In these rules, the Board has corrected incorrect chapter titles for Chapters 1 and 2. The titles for these chapters were revised in November 2015, but the revisions were not properly incorporated. These revised rules clarify the current titles of Chapters 1 and 2.

The Board has also revised Chapters 2 and 6 of the Board’s Rules to adopt the uniform rules for inspection, copying, and producing public records. The Board has included additional procedures for the inspection of public records that the Board deems necessary to ensure the protection of sensitive personal or licensing data and to ensure that Board staff can accommodate public records inspection without unnecessarily disrupting their regular duties. The Board has also revised Chapter 2 of the Board’s Rules to update the address of the Board Office. These revisions also correct minor formatting and reference errors. Specifically, the Board has made the following changes to each chapter and section of the Rules:

Chapter 1: Authority & Definitions

Title Corrected title from former title (General Provisions) to current title (Authority & Definitions).

Chapter 2: General Provisions

Title Corrected title from former title (Organization, Responsibilities, and Duties of the Board) to current title (General Provisions).

Section 1 Updated Board Office's address.

Section 5(a) Added subparagraph (iii) stating that incorporated rules are available for inspection and copying at Board Office.

Section 5(b)(i) Corrected URL.

Section 5(b)(ii) Incorporated by reference the Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records rules promulgated by the Department of Administration and Information on September 6, 2016.

Chapter 6: Information Practices

Section 1 Corrected statutory reference to comply with the Wyoming Secretary of State's Rules on Rules.

Section 2 Replaced existing language requiring payment of fees with updated language requiring that fees, costs, and charges for inspection, copying, and producing public records shall be assessed pursuant to the Wyoming Public Records Act and the Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records rules promulgated by the Department of Administration and Information on September 6, 2016.

Section 3 Added language requiring that inspection, copying, and production of public records shall take place according to the Wyoming Public Records Act and the Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records rules promulgated by the Department of Administration and Information on September 6, 2016. Retained and clarified procedures for inspecting public records to require records inspection to take place during business hours of the Board Office; to require an appointment to inspect records be made at least 3 days in advance; and to require that records inspection take place in the presence of Board staff.

The Board finds that these rules are reasonable and necessary and that they have been promulgated in accordance with rulemaking provisions of the Wyoming Administrative Procedure Act.

Robert A. Doctor, Chairman
Wyoming Board of Professional Geologists

Date

CHAPTER 1 AUTHORITY & DEFINITIONS

Section 1. Authority. These rules of the Wyoming Board of Professional Geologists (Board), are promulgated pursuant to the Wyoming Geologists Practice Act (Act), W.S. 33-41-101 through 33-41-121.

Section 2. Definitions. The definitions set out in the Act apply to these rules and regulations. In addition, the following definitions shall apply:

(a) "Certification" includes the Board's process of granting, denying, renewing, revoking, or suspending a certificate.

(b) "FG examination" means the Fundamentals of Geology examination developed by the National Association of State Boards of Geology (ASBOG®).

(c) "Geologic course work required to qualify as a geologist" includes a minimum of thirty (30) semester or forty-five (45) quarter hours in geology course work at an accredited institution of higher education approved by the Board. At least twenty-four (24) of the semester hours or thirty-six (36) of the quarter hours in geology shall be in at least five (5) of the following subject areas:

(i) Economic geology, engineering geology, environmental geology, field geology, geochemistry, geomorphology, geophysics, hydrogeology, mineralogy, paleontology, petrology, sedimentology, stratigraphy, or structural geology.

(d) "Good professional character and repute" means that an applicant for licensure or certification:

(i) Has not been convicted of a felony or any crime which discredits the profession of geology within five (5) years of applying for licensure;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation in connection with his application or related examination;

(iv) If previously licensed as a professional geologist or certified as a geologist-in-training in Wyoming, another state, or foreign country, has not had that license or certificate canceled, revoked, suspended, or not renewed for cause within five (5) years of applying for licensure;

(v) Has not falsely claimed to be a licensed professional geologist or a certified geologist-in-training in Wyoming, another state, or foreign country within five (5) years of applying for licensure or certification;

(vi) Has not been determined by a court or regulatory body to have acted with dishonesty, gross negligence, or incompetence related to the practice of geology;

(vii) Has not knowingly acted, or failed to act, in violation of any provisions of any Federal, state, or local law related to the practice of geology; and

(viii) Has not used false or misleading advertising and/or other deceptive practices.

(e) "Expired license" means a license which has not been renewed before midnight on its date of expiration.

(f) "Incompetence" means to lack the professional qualifications, experience, or education to undertake a professional geologic engagement or assignment.

(g) "Licensee" means an individual who has been granted a license to practice geology with the title of "professional geologist", pursuant to the Act.

(h) "Licensure" includes the Board's process of granting, denying, renewing, revoking, or suspending a license.

(i) "Negligence" means a substantial deviation in professional practice from the standards of professional practice for members of the geologic profession, or a substantial deviation from any technical standards issued by a nationally and/or state-recognized professional organization comprised of members of the geologic profession, or a substantial deviation from laws or regulations related to the practice of geology.

(j) "PG examination" means the Practice of Geology examination developed by the National Association of State Boards of Geology (ASBOG®).

(k) "Professional reference" means a reference provided by a professional geologist or qualified geologist as defined by W.S. 33-41-102(a)(ix), or (x), or another professional who has similar experience, education, and professional character and repute in a related field. A professional reference shall not be from a relative or subordinate employee of the applicant.

(l) "Retired" status means a licensee who:

(i) Is no longer engaged in the practice of geology before the public in any jurisdiction, as defined in W.S. §33-41-102(a)(viii); and

(ii) Has maintained an active license for a minimum of ten (10) years.

(m) "Thorough technical review" means that the work product has been critically examined and evaluated for compliance with appropriate professional and scientific standards by a licensee, and the licensee accepts responsibility for the work product.

(n) "Trainee" means an individual who has been granted a certificate as a geologist-in-training, pursuant to the Act.

CHAPTER 1
GENERAL PROVISIONS AUTHORITY & DEFINITIONS

Section 1. Authority. These rules of the Wyoming Board of Professional Geologists (Board), are promulgated pursuant to the Wyoming Geologists Practice Act (Act), W.S. 33-41-101 through 33-41-121.

Section 2. Definitions. The definitions set out in the Act apply to these rules and regulations. In addition, the following definitions shall apply:

(a) "Certification" includes the Board's process of granting, denying, renewing, revoking, or suspending a certificate.

(b) "FG examination" means the Fundamentals of Geology examination developed by the National Association of State Boards of Geology (ASBOG®).

(c) "Geologic course work required to qualify as a geologist" includes a minimum of thirty (30) semester or forty-five (45) quarter hours in geology course work at an accredited institution of higher education approved by the Board. At least twenty-four (24) of the semester hours or thirty-six (36) of the quarter hours in geology shall be in at least five (5) of the following subject areas:

(i) Economic geology, engineering geology, environmental geology, field geology, geochemistry, geomorphology, geophysics, hydrogeology, mineralogy, paleontology, petrology, sedimentology, stratigraphy, or structural geology.

(d) "Good professional character and repute" means that an applicant for licensure or certification:

(i) Has not been convicted of a felony or any crime which discredits the profession of geology within five (5) years of applying for licensure;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation in connection with his application or related examination;

(iv) If previously licensed as a professional geologist or certified as a geologist-in-training in Wyoming, another state, or foreign country, has not had that license or certificate canceled, revoked, suspended, or not renewed for cause within five (5) years of applying for licensure;

(v) Has not falsely claimed to be a licensed professional geologist or a certified geologist-in-training in Wyoming, another state, or foreign country within five (5) years of applying for licensure or certification;

(vi) Has not been determined by a court or regulatory body to have acted with dishonesty, gross negligence, or incompetence related to the practice of geology;

(vii) Has not knowingly acted, or failed to act, in violation of any provisions of any Federal, state, or local law related to the practice of geology; and

(viii) Has not used false or misleading advertising and/or other deceptive practices.

(e) "Expired license" means a license which has not been renewed before midnight on its date of expiration.

(f) "Incompetence" means to lack the professional qualifications, experience, or education to undertake a professional geologic engagement or assignment.

(g) "Licensee" means an individual who has been granted a license to practice geology with the title of "professional geologist", pursuant to the Act.

(h) "Licensure" includes the Board's process of granting, denying, renewing, revoking, or suspending a license.

(i) "Negligence" means a substantial deviation in professional practice from the standards of professional practice for members of the geologic profession, or a substantial deviation from any technical standards issued by a nationally and/or state-recognized professional organization comprised of members of the geologic profession, or a substantial deviation from laws or regulations related to the practice of geology.

(j) "PG examination" means the Practice of Geology examination developed by the National Association of State Boards of Geology (ASBOG®).

(k) "Professional reference" means a reference provided by a professional geologist or qualified geologist as defined by W.S. 33-41-102(a)(ix), or (x), or another professional who has similar experience, education, and professional character and repute in a related field. A professional reference shall not be from a relative or subordinate employee of the applicant.

(l) "Retired" status means a licensee who:

(i) Is no longer engaged in the practice of geology before the public in any jurisdiction, as defined in W.S. §33-41-102(a)(viii); and

(ii) Has maintained an active license for a minimum of ten (10) years.

(m) "Thorough technical review" means that the work product has been critically examined and evaluated for compliance with appropriate professional and scientific standards by a licensee, and the licensee accepts responsibility for the work product.

(n) "Trainee" means an individual who has been granted a certificate as a geologist-in-training, pursuant to the Act.

CHAPTER 2 GENERAL PROVISIONS

Section 1. Board Office. The Board Office shall be located at 2617 East Lincolnway Suite I in Cheyenne, Wyoming 82001.

Section 2. Board Meetings.

(a) The Board shall meet the third Tuesday in August at the Board Office at 10:00 a.m.

(b) The Board shall meet as necessary at a time and place designated by the Board Chairman or any four (4) Board members.

Section 3. Election of Officers. The Board shall annually elect from its own membership a chairperson, a vice-chairperson, and a secretary-treasurer who shall assume the duties of their offices at the close of the meeting at which they are elected and serve for a term of one (1) year. If an officer resigns or vacates his position prior to the expiration of his term, the Board may elect a replacement to serve the remainder of the term.

Section 4. Quorum. Four (4) members shall constitute a quorum for a meeting. A majority of Board members present and voting is required to approve actions.

Section 5. Reference by Incorporation.

(a) For any rule incorporated by reference in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rules are maintained at the Board Office and are available for public inspection and copying.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <https://rules.wyo.gov>.

(ii) Chapter 2 - Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.

CHAPTER 2 GENERAL PROVISIONS

Section 1. Board Office. The Board Office shall be located at 2617 East Lincolnway Suite I in Cheyenne, Wyoming 82001~~500 South Third Street, Laramie WY 82070.~~

Section 2. Board Meetings.

(a) The Board shall meet the third Tuesday in August at the Board Office at 10:00 a.m.

(b) The Board shall meet as necessary at a time and place designated by the Board Chairman or any four (4) Board members.

Section 3. Election of Officers. The Board shall annually elect from its own membership a chairperson, a vice-chairperson, and a secretary-treasurer who shall assume the duties of their offices at the close of the meeting at which they are elected and serve for a term of one (1) year. If an officer resigns or vacates his position prior to the expiration of his term, the Board may elect a replacement to serve the remainder of the term.

Section 4. Quorum. Four (4) members shall constitute a quorum for a meeting. A majority of Board members present and voting is required to approve actions.

Section 5. Reference by Incorporation.

(a) For any rule incorporated by reference in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rules are maintained at the Board Office and are available for public inspection and copying.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <https://rules.wyo.gov>~~<http://soswy.state.wy.us/Rules/RULES/9644.pdf>~~.

(ii) Chapter 2 - Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.

CHAPTER 6 INFORMATION PRACTICES

Section 1. Disclosure. Disclosure of confidential records and public records shall be governed by Wyoming Statute §§ 16-4-201 through 16-4-205, the Wyoming Public Records Act, or as otherwise provided by law.

Section 2. Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records. Fees, costs, and charges for inspection, copying, and producing public records shall be assessed pursuant to the Wyoming Public Records Act and Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.

Section 3. Procedures for Inspection, Copying, and Producing Public Records. Inspection, copying, and production of public records shall take place according to the Wyoming Public Records Act; Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>; and the following requirements:

- (a) Records inspection shall take place between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board Office,
- (b) A person shall make an appointment to inspect records at least three (3) business days in advance, and
- (c) Records inspection shall take place in the presence of Board staff.

CHAPTER 6 INFORMATION PRACTICES

Section 1. Disclosure. Disclosure of confidential records and public records shall be governed by ~~Wyoming Statute~~ §§ 16-4-201 through 16-4-205, the Wyoming Public Records Act, or as otherwise provided by law.

Section 2. Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records Inspection. ~~Fees, costs, and charges for inspection, copying, and producing public records shall be assessed pursuant to the Wyoming Public Records Act and Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.~~

Section 3. Procedures for Inspection, Copying, and Producing Public Records. ~~Inspection, copying, and production of public records shall take place according to the Wyoming Public Records Act; Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>; and the following requirements:~~

~~_____ (a) _____ If a member of the public requests an electronic or hard copy of public records, then that individual shall pay a fee. Such fee shall include cost of administrative time and cost of producing a copy of the public record.~~

~~_____ (b) _____ Public records inspection shall take place under the following conditions:~~

~~_____ (i) _____ An appointment shall be made to review the records~~

~~(a) _____ Records inspection shall take place between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board Office,~~

~~(b) _____ A person shall make an appointment to inspect records at least three (3) business days in advance, and~~

~~(c)(ii) _____ Records inspection shall take place in the presence of Board staff, and~~

~~_____ (iii) _____ A member of the public may obtain copies upon payment of a reasonable fee.~~