



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	70
VAC Chapter Number:	20
Regulation Title:	Board for Geology Regulations
Action Title:	Amending
Date:	12/13/01

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the proposal is to:

Make general clarifying changes;

Eliminate definitions contained in statute;

Ensure consistency with State law;

Review renewal and reinstatement requirements;

Review fees for compliance with the Callahan Act (§ 54.1-113); and

Make other changes which may result from the Board's periodic review of the regulations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Section 54.1-201 of the Code of Virginia gives the Board the authority to establish qualifications for certification, to examine qualifications of each applicant; to certify applicants; to levy and collect fees for certification and renewal; to promulgate regulations in accordance with the Administrative Process Act necessary to assure continued competency, to prevent deceptive or misleading practices; to ensure that the certificate holder is conducting his practice in a competent manner and within the regulations promulgated by the Board; to revoke, suspend or fail to renew the certificate for just causes as enumerated in the regulations; to receive complaints concerning the conduct of any person regulated by the Board; and to promulgate canons of ethics for certificate holders.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

Eliminate all definitions, they are contained in statute (§ 54.1-1400).

Review renewal and reinstatement requirements to determine whether renewals should be staggered. Staggered renewals would be less burdensome to the certificate holder by giving new certificate holders a full two year period prior to renewal, without having any impact on protection to the public.

Review fees to determine if changes are necessary to comply with the Callahan Act (§ 54.1-113).

Review all provisions for clarity to assist both the regulated and nonregulated public understand all regulatory requirements.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Failure to adopt these changes will result in regulations not being as clear as possible; continuing existing requirements that may not be the least burdensome to the regulant while still protecting the public; and possible non-compliance with the Callahan Act.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed changes are expected to have no impact on families.