

## LEGISLATIVE BILL 38

Approved by the Governor February 25, 2025

Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the Geologists Regulation Act; to amend sections 81-3501, 81-3502, 81-3503, 81-3507, 81-3508, 81-3509, 81-3509.01, 81-3511, 81-3512, 81-3514, 81-3515, 81-3517, 81-3518, 81-3519, 81-3520, 81-3521, 81-3522, 81-3525, 81-3526, 81-3527, 81-3528, 81-3529, 81-3530, 81-3531, 81-3534, 81-3535, 81-3536, 81-3537, 81-3539, 81-3540, and 81-3541, Reissue Revised Statutes of Nebraska; to define, redefine, and eliminate terms; to change, provide, and eliminate provisions relating to prohibited acts, the Board of Geologists, the roster of professional geologists, the code of practice, licensure, certificates of licensure, certificates of authority, certificates of authorization, fees, enrollment of geologist-interns, reciprocity, temporary permits, seals, the practice of geology, violations of the act, examinations, and exempt activities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3505 and 81-3513, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

**Section 1.** Section 81-3501, Reissue Revised Statutes of Nebraska, is amended to read:

81-3501 Sections 81-3501 to 81-3541 and sections 4, 7, 11, 12, and 32 to 40 of this act shall be known and may be cited as the Geologists Regulation Act.

**Sec. 2.** Section 81-3502, Reissue Revised Statutes of Nebraska, is amended to read:

81-3502 In order to safeguard life, health, and property and to promote the public welfare, the profession of geology is declared to be subject to regulation in the public interest. ~~It is unlawful for any person to (1) practice or offer to practice geology in this state, (2) use in connection with his or her name or otherwise assume the title professional geologist, or (3) advertise any title or description tending to convey the impression that he or she is a licensed geologist, unless the person is duly licensed or exempt from licensure under the Geologists Regulation Act.~~ The practice of geology and use of the title professional geologist is a privilege granted by the state.

**Sec. 3.** Section 81-3503, Reissue Revised Statutes of Nebraska, is amended to read:

81-3503 For purposes of the Geologists Regulation Act, the definitions found in sections 81-3504 to 81-3519 and sections 4, 7, 11, and 12 of this act shall be used.

**Sec. 4.** Certificate of authorization means a certificate issued by the board to an organization authorizing it to practice or offer to practice geology as provided in section 81-3528.

**Sec. 5.** Section 81-3507, Reissue Revised Statutes of Nebraska, is amended to read:

81-3507 Direct supervision means having professional knowledge relating to and control over the work of another person that constitutes the practice of geology. ~~the degree of supervision by a person overseeing the work of another person by which the supervisor has control over and detailed professional knowledge of the work being done.~~

**Sec. 6.** Section 81-3508, Reissue Revised Statutes of Nebraska, is amended to read:

81-3508 Emeritus, ~~referring to a geologist,~~ means the status of a professional geologist who relinquishes or does not renew such professional geologist's his or her licensure under the Geologists Regulation Act and who is approved by the board to receive publications and use the honorary title professional geologist emeritus.

**Sec. 7.** Section 81-3511, Reissue Revised Statutes of Nebraska, is amended to read:

81-3511 Geologic Geology specialty means a branch of geology which has been recognized for the purposes of licensure, including, but not limited to, environmental geology, engineering geology, geophysics, hydrogeology, petroleum geology, mining geology, and structural geology.

**Sec. 8.** Section 81-3509, Reissue Revised Statutes of Nebraska, is amended to read:

81-3509 Geologist means a person who is qualified to practice geology by reason of special knowledge and use of the earth sciences and the principles of geology and geologic data collection and analysis acquired by geologic education and geologic experience ~~as provided in section 81-3539.~~

**Sec. 9.** Section 81-3509.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-3509.01 Geologist-intern means a person who has been duly enrolled as a geologist-intern by the board. ~~passed an examination in the fundamentals of geology as provided in section 81-3540.~~

**Sec. 10.** Section 81-3512, Reissue Revised Statutes of Nebraska, is amended to read:

81-3512 Good character means such character as will enable a person to discharge the fiduciary duties of a professional geologist to a his or her client of such professional geologist and to the public for the protection of the public health, safety, and welfare. Evidence of inability to discharge such duties includes the commission of an offense justifying discipline.

**Sec. 11.** Licensee means an individual who is authorized by the board to practice geology in this state.

**Sec. 12.** Section 81-3517, Reissue Revised Statutes of Nebraska, is amended to read:

81-3517 Licensure Registration (or licensure) means a certificate of registration (or licensure ) issued by the board showing that an individual has met the licensing requirements to be a professional geologist under the Geologists Regulation Act. For the purposes of the Geologists Regulation Act, license and registration have the same meaning.

**Sec. 13.** Section 81-3514, Reissue Revised Statutes of Nebraska, is amended to read:

81-3514 Organization includes a partnership, limited liability company, corporation, or other form of business entity that is authorized to do business in this state.

**Sec. 14.** Section 81-3515, Reissue Revised Statutes of Nebraska, is amended to read:

81-3515 (1)(a) Practice of geology means any service or creative work:

(i) If if the adequate performance of the service or work requires geologic education, training, and experience, including to include such services or creative work as geological consultation, investigation, planning, surveying, mapping, and inspection of geologic geological work, and the responsible supervision of such work; and

(ii) That relates thereof, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment. r and

(b) Practice of geology includes teaching, including research and service, of any advanced geologic subject geological subjects.

(2) A person shall be construed to practice or offer to practice geology if such person he or she:

(a) (1) Practices any branch of the profession of geology;

(b) By (2) by verbal claim, sign, advertisement, letterhead, or card or in any other way, represents that such person is himself or herself to be a professional geologist;

(c) Through (3) through the use of some other title, implies that such person he or she is licensed under the Geologists Regulation Act; or

(d) Represents that such person is (4) holds himself or herself out as able to perform or does perform any geologic service or work recognized by the board as the practice of geology.

**Sec. 15.** Section 81-3518, Reissue Revised Statutes of Nebraska, is amended to read:

81-3518 Responsible charge means personal responsibility for the technical and financial aspects of geologic work through: direct control, direction, and personal supervision by use of initiative and independent judgment for geological work.

(1) Personal action;

(2) Management in an organization; or

(3) Direct supervision.

**Sec. 16.** Section 81-3519, Reissue Revised Statutes of Nebraska, is amended to read:

81-3519 Technical submissions means designs, drawings, specifications, studies, and other technical reports that: -

(1) Constitute all or a part of a project; or

(2) Are prepared in conjunction with a project.

**Sec. 17.** Section 81-3520, Reissue Revised Statutes of Nebraska, is amended to read:

81-3520 (1) The Board of Geologists is created to administer the Geologists Regulation Act. The board may use any funds available to obtain suitable office space within Lincoln, Nebraska, for the board. The board shall consist of the following seven members appointed by the Governor:

(a) Five professional geologists;

(b) One professional geologist who is also a faculty member of a geology or related geosciences department of a college or university located in Nebraska. Such member shall be recommended by the president of such college or university prior to appointment by the Governor in order to qualify as a board member under this subdivision (1)(b); and

(c) One individual who is not a professional geologist. for terms of five years each, ending on the last day of February. The members shall include one education member appointed pursuant to subsection (2) of this section and one public member. All members of the board shall be professional geologists with the exception of the one public member.

(2)(a) Each member shall serve for terms of five years terminating on the last day of February.

(b) Each member shall hold office after the expiration of such member's his or her term until a his or her successor is duly appointed and qualified. The length of the initial terms shall be staggered, as determined by the board.

(c) The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

(d) Vacancies on the board, however created, shall be filled for the

unexpired term by appointment by the Governor.

(3)(a) Each member of the board shall be a:

(i) Citizen of the United States; and

(ii) Resident of the State of Nebraska for at least one year immediately preceding the appointment of such member and continue such residency while serving as a member of the board.

(b) Each member of the board who is a professional geologist shall:

(i) Have actively practiced as a professional geologist for at least ten years prior to appointment to the board;

(ii) Have had responsible charge of, direct supervision of, or a combination of responsible charge and direct supervision of geologic work for at least five years prior to appointment to the board; and

(iii) Maintain status as a professional geologist licensed as a professional geologist in Nebraska during the member's time on the board.

~~(2) The membership of the board shall include one education member who is licensed in geology and who is a member of the professional faculty of a geology or related geosciences department of a college or university located in Nebraska, recommended by the president of the respective college or university, and appointed by the Governor.~~

~~(3) The membership of the board shall include one public member appointed by the Governor. The appointment is for five years.~~

~~(4)(a) (4) The board may designate any number of a former members member of the board as an emeritus members member. Emeritus member status, when conferred, is valid for one year from the date of conferment and may be renewed by the board any number of times. must be renewed annually. The emeritus member shall be a nonvoting member.~~

(b) An emeritus member is not counted for purposes of determining if a quorum is present under section 81-3523.

(c) An emeritus member shall not:

(i) Be an officer on the board;

(ii) Vote on board matters;

(iii) Receive compensation or reimbursement for expenses from the board;

or

(iv) Receive compensation or reimbursement for expenses under sections 81-1174 to 81-1177 while tending to board matters.

**Sec. 18.** Section 81-3521, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3521 Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding his or her appointment. Each professional member shall have been engaged in the active practice of geology for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be licensed in geology. Each member of the board shall serve without compensation and, pursuant to sections 81-1174 to 81-1177, shall be reimbursed for:~~

~~(1) Each receive as compensation the same per diem and travel expenses as other state employees for each day actually spent in traveling to and from and while attending sessions of the board and its committees or authorized meetings of the National Association of State Boards of Geology, or its subdivisions or committees; and~~

~~(2) Expenses shall be reimbursed for expenses incident to the performance of his or her duties under the Geologists Regulation Act as provided in sections 81-1174 to 81-1177.~~

**Sec. 19.** Section 81-3522, Reissue Revised Statutes of Nebraska, is amended to read:

81-3522 Each member of the board shall receive a certificate of appointment from the Governor and, before beginning the term of office, shall file with the Secretary of State the constitutional oath of office. The board or any committee of the board is entitled to the services of the Attorney General in connection with the affairs of the board, and the board may compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Geologists Regulation Act. The board may employ counsel and necessary assistance to aid in carrying out the act. The board may shall adopt and have an official seal, which may shall be affixed to all certificates of licensure granted, and may shall adopt and promulgate rules and regulations to carry out the act.

**Sec. 20.** Section 81-3525, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3525 (1) The secretary of the board shall maintain and make available publish a complete roster showing the names and last-known addresses of all professional geologists, at intervals as established by board rules and regulations. The secretary shall file the roster with the Secretary of State and may mail a copy to each person so licensed as well as county and municipal officials. The secretary may also sell or distribute copies of the roster to the public.~~

(2) Any person may request a copy of such complete roster from the board. The board may charge a fee for distributing such requested copy in accordance with sections 84-712 to 84-712.09.

**Sec. 21.** Section 81-3526, Reissue Revised Statutes of Nebraska, is amended to read:

81-3526 (1) The Legislature hereby finds and declares that a code of

practice established by the board by which the members could govern their professional conduct would be beneficial to the state and would safeguard the life, health, and property of the citizens of this state.

(2) The code of practice ~~may established by this section shall~~ include provisions on:

- (a) Professional competence;
- (b) Conflict of interest;
- (c) Full disclosure of financial interest;
- (d) Full disclosure of matters affecting public safety, health, and welfare;
- (e) Compliance with laws;
- (f) Professional conduct and good character standards; and
- (g) Practice of geology.

(3) The board may establish such code of practice through rules and regulations adopted and promulgated by the board.

(4) The board may publish commentaries regarding the code of practice. Such commentaries shall explain the meaning of interpretations given to the code by the board.

(5) The board ~~may place on probation, shall have the power to~~ suspend, or revoke a professional geologist's licensure for a violation of the code of practice.

**Sec. 22.** Section 81-3527, Reissue Revised Statutes of Nebraska, is amended to read:

81-3527 (1) Any person may apply under oath or affirmation to become a professional geologist, become a geologist-intern, or receive a certificate of authorization ~~Application for licensure as a geologist or enrollment as a geologist-intern shall be made on a form prescribed and furnished by the board. If required pursuant to section 81-3539, the application shall contain statements made under oath showing the applicant's education and a detailed summary of technical experience and shall include the names and complete mailing addresses of the references, none of whom shall be members of the board.~~ The board may accept the verified information contained in a valid record issued by the National Association of State Boards of Geology for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.

(2)(a) The fee for any application (2) Application, renewal, licensure, certificate of authorization, or and enrollment fees shall be established by the board and shall accompany the application. Any such fee is nonrefundable and Original and reciprocal fees shall not exceed three hundred dollars for licensure as a geologist and one hundred dollars for enrollment as a geologist-intern and shall be in addition to the examination fee which shall be set to recover the costs of the examination and its administration.

(b) For any fee charged pursuant to subdivision (a) of this subsection, the board may charge an additional fee to cover the administrative costs of collecting such fee not to exceed one hundred dollars.

(3) The certificate of authorization fee for organizations shall be established by the board and shall accompany the application. The fee shall not exceed three hundred dollars ~~per year~~.

(4) The fee for emeritus status shall be established by the board and shall accompany the application. The fee shall not exceed one hundred dollars ~~per year~~.

(5) ~~If the board denies the issuance of a certificate to any applicant, including the application of an organization for a certificate of authorization, the board shall retain the fee.~~

**Sec. 23.** Section 81-3528, Reissue Revised Statutes of Nebraska, is amended to read:

81-3528 (1) The practice or offer to practice for others of geology by individuals licensed under the Geologists Regulation Act through an organization is permitted if the criteria for organizational practice established by the board are met and the organization has been issued a certificate of authorization by the board. All technical submissions by an organization involving the practice of geology when issued or filed for public record shall be dated and bear the seal of the professional licensed geologist who prepared the submission or under whose immediate direction it was prepared.

(2) An organization desiring a certificate of authorization shall file with the board an application, using the form provided by the board, which also contains a list of the names and addresses of all officers of the organization, duly licensed to practice geology in the state through the organization. Any change in the list of officers during the certificate period shall be designated on the same form and filed with the board within thirty days after the effective date of the change. If the requirements of this section are met, the board shall issue a certificate of authorization to the organization and the organization may contract for and collect fees for furnishing professional services.

(3) The Geologists Regulation Act shall not prevent an organization from performing professional services for itself.

(4) An organization is not relieved of its responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section. An individual practicing geology is not relieved of ~~his or her~~ responsibility for services performed by reason of employment or any other relationship with an organization holding a certificate of authorization.

(5) ~~The Commencing one year after January 1, 1999, the Secretary of State~~

shall not issue a certificate of authority to do business in this state or accept an applicant or a registration of name from to a foreign firm to an organization that intends to practice geology, which includes among the objectives for which it is established geology or any modification or derivation of geology, unless the board has issued such organization the applicant a certificate of authorization or a letter indicating the eligibility of such organization the applicant to receive a certificate of authorization from the board or to register such name. The organization shall supply the certificate or letter with its application for incorporation or licensure.

(6) ~~The Commencing one year after January 1, 1999, the Secretary of State shall not register any trade name or service mark that which includes the word geology, words professional geologist, or any modification or derivative of such word, in the trade name or service mark of an organization unless the board has issued such organization a certificate of authorization or a letter indicating the eligibility of such organization to receive a certificate of authorization or to register such trade name or service mark. its firm name or logotype except to those organizations holding a certificate of authorization issued by the board.~~

(7) The certificate of authorization shall be renewed periodically as required by the board.

(8) ~~A geologist who renders occasional, part-time, or consulting services to or for an organization may not for purposes of this section be designated as being responsible for the professional activities of the organization.~~

**Sec. 24.** Section 81-3529, Reissue Revised Statutes of Nebraska, is amended to read:

81-3529 (1) The board shall issue to any applicant, who ~~on~~ on the basis of education, experience, and examination, ~~if required pursuant to section 81-3539,~~ has met the requirements of the Geologists Regulation Act, a certificate of licensure as a professional geologist that authorizes such person giving the licensed geologist proper authority to carry out the prerogatives of the act. The certificate of licensure shall carry the designation Licensed Professional Geologist. The certificate of licensure shall include give the full name of the professional geologist licensee and the license number and shall be signed by the chairperson of the board and the secretary of the board.

(2) The certificate shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of a professional geologist while the certificate of licensure remains unrevoked and unexpired.

(3)(a) Each professional geologist licensee authorized to practice geology shall ~~must~~ obtain a seal. The design of the seal shall be determined by the board. The following information shall be on the seal: State of Nebraska; the professional geologist's licensee's name; the professional geologist's licensee's license number; and the words Licensed Professional Geologist.

(b) Whenever the seal is applied, the professional geologist's licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.

(c) The seal and the date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for any person a licensee to affix such person's his or her seal or to permit such his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the act.

(d) The seal and date shall be placed on all originals, copies, tracings, or other reproducible documents in such a manner that the seal, signature, and date will be reproduced. The application of a professional geologist's the licensee's seal shall constitute certification that the work was done by such professional geologist or under the responsible charge of such professional geologist. the licensee or under the licensee's control. In the case of multiple sealings, the first or title page shall be sealed and dated by all involved. In addition, each sheet shall be sealed and dated by the professional geologist licensee responsible for each sheet. In the case of an organization, each sheet shall be sealed and dated by the professional geologist licensee involved. The professional geologist in responsible charge shall seal and date the title or first sheet.

(e) In the case of a temporary permit issued to an individual from a licensee of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and temporary permit to all of his or her work.

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of the act, an enrollment certificate card as geologist-intern that which indicates that such geologist-intern's his or her name has been recorded as such in the board office. The geologist-intern enrollment certificate card does not authorize the such geologist-intern holder to practice as a professional geologist.

**Sec. 25.** Section 81-3530, Reissue Revised Statutes of Nebraska, is amended to read:

81-3530 (1) ~~A professional geologist shall only affix his or her seal and signature when he or she was in responsible charge of the work.~~

(2) ~~A professional geologist shall affix such professional geologist's his or her seal and signature on geologic reports, documents, maps, plans, logs, and sections, or other public records offered to the public and prepared while in responsible charge or issued by or under the direct supervision of the professional geologist.~~

**Sec. 26.** Section 81-3531, Reissue Revised Statutes of Nebraska, is amended to read:

81-3531 (1) Certificates of licensure and certificates of authorization shall expire on a date established by the board and shall become invalid after that date unless renewed. The ~~secretary of the~~ board shall notify every person licensed under the Geologists Regulation Act and every organization holding a certificate of authorization under the act of the date of the expiration of the certificate of licensure or certificate of authorization and the amount of the fee required for renewal. The notice shall be sent mailed to the licensee or organization at the last-known address on file with the board at least one month in advance of the date of the expiration. Renewal may be effected at any time prior to or during the period established by the board upon application pursuant to this section and payment of a renewal fee. The fee shall not exceed two hundred dollars per year. Renewal of an expired certificate may be effected under rules and regulations of the board regarding requirements for reexamination and for penalty fees. The board may adopt a program of continuing education as a requirement for renewal for individual licensees.

(2) An applicant for renewal of a certificate of licensure or certificate of authorization shall apply in a method on a form prescribed and furnished by the board. The application shall contain statements made under oath showing the applicant's fitness to maintain licensure, including felony convictions in any jurisdiction, convictions involving moral turpitude in any jurisdiction, and suspension or revocation of a professional license in any other jurisdiction. The board shall review the application for renewal. If the board takes no action, the license shall be renewed. The board may deny renewal if it determines the applicant does not meet the requirements for licensure or renewal.

**Sec. 27.** Section 81-3534, Reissue Revised Statutes of Nebraska, is amended to read:

81-3534 Except as provided in section sections 81-3539 to 81-3541 and section 38 of this act, an individual shall not directly or indirectly engage in the practice of geology in the state or use the title Professional Geologist or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that such individual he or she is a professional geologist or a licensee or is practicing geology unless such individual he or she is licensed under the Geologists Regulation Act. A professional licensed geologist or licensee shall not aid or abet any person not licensed under the act in the practice of geology.

**Sec. 28.** Section 81-3535, Reissue Revised Statutes of Nebraska, is amended to read:

81-3535 Any person who performs any of the following actions is guilty of a Class II misdemeanor for the first offense and a Class I misdemeanor for the second or any subsequent offense:

(1) Practices or offers to practice geology in this state without being licensed in accordance with the Geologists Regulation Act and is not exempted by section sections 81-3539 to 81-3541 or section 38 of this act;

(2) Knowingly and willfully employs or retains a person to practice geology in this state who is not licensed in accordance with the act and who is not exempted by section sections 81-3539 to 81-3541 or section 38 of this act;

(3) Uses the word geologist ~~Geologist~~, or any modification or derivative of such word, in its name or form of business activity except as authorized in the act;

(4) Presents or attempts to use the certificate of licensure or the seal of another person;

(5) Gives any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate of authorization;

(6) Falsely impersonates any professional geologist ~~other licensee~~ of like or different name;

(7) Attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure or practices or offers to practice when not qualified;

(8) Falsely claims that such person he or she is licensed or authorized under the act; or

(9) Advertises any title or description tending to convey the impression that such person is a professional geologist unless the person is duly licensed under the Geologists Regulation Act; or

(10) ~~(9)~~ Violates any of the provisions of the act.

**Sec. 29.** Section 81-3536, Reissue Revised Statutes of Nebraska, is amended to read:

81-3536 (1) Charges against any individual or organization person involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board.

(2) The charges, at the discretion of the board, shall hold a hearing on any such charges be heard within a reasonable time and in accordance with the rules and regulations that have been adopted and promulgated by the board. Such hearing which may include the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his or her defense of the accused.

(3) The board shall set the time and place for the hearing and shall cause a copy of the charges and, together with a notice of the time and place fixed for the hearing to be delivered to the accused at least thirty days before the

hearing. Such copy and notice shall ~~to~~ be sent by registered mail to the accused ~~at the his or her last-known business or residence address of the accused known to the board, at least thirty days before the hearing.~~

(4) If, after the hearing, the board finds the accused has violated the Geologists Regulation Act or any rules or regulations, ~~the board it~~ may issue any order described in section 81-3537. ~~If the board finds no violation, it shall enter an order dismissing the charges. If the order revokes or~~ suspends a license ~~or places~~ cancels a license on probation, the board shall provide written notice of such revocation, suspension, or probation to notify, in writing, the Secretary of State and the clerk of the city or village in the state where the person has a place of business, if any.

(5) The board may reissue a license to any person whose license has been revoked. Application for the reissuance of a license shall be made in accordance with sections 34 to 37 of this act and in such a manner as the board directs and shall be accompanied by a fee established by the board.

**Sec. 30.** Section 81-3537, Reissue Revised Statutes of Nebraska, is amended to read:

81-3537 (1) The board may after hearing, by majority vote, take any or all of the following actions, upon proof satisfactory to the board that any person or organization has violated the Geologists Regulation Act or any rules or regulations adopted and promulgated pursuant to the act:

- (a) Issuance of censure or reprimand;
- (b) Suspension of judgment;
- (c) Placement of the offender on probation with the board;
- (d) Placement of a limitation or limitations on the holder of a license and upon the right of the holder of a license to practice the profession to such extent, scope, or type of practice for such time and under such conditions as are found necessary and proper;
- (e) Imposition of a civil penalty not to exceed ten thousand dollars. The amount of the penalty shall be based on the severity of the violation;
- (f) Entrance of an order of revocation or ~~or~~ suspension ~~or~~ or cancellation of the certificate of licensure;
- (g) Issuance of a cease and desist order;
- (h) Imposition of costs as in an ordinary civil action in the district court, which may include attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or
- (i) Dismissal of the action.

(2) In hearings under this section, the board may take into account suitable evidence of reform.

(3) ~~(2)~~ Civil penalties collected under subdivision (1)(e) of this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (1)(h) of this section shall be remitted to the State Treasurer for credit to the Geologists Regulation Fund.

**Sec. 31.** Section 81-3539, Reissue Revised Statutes of Nebraska, is amended to read:

81-3539 ~~(1) Applications for licensure as a professional geologist, for temporary or reciprocal licensure, or for enrollment as a geologist-intern shall be on forms prescribed and furnished by the board and shall be accompanied by the fee established by the board.~~

~~(2) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional geologist or enrollment as a geologist-intern:~~

(1) The board shall consider the following as evidence that an applicant is eligible for admission to the examination on the fundamentals of geology that is adopted by the board:

(a) The applicant is a senior in or has graduated from a geology or geologic specialty program recognized by the board; of good character and reputation and submits four references with his or her application for licensure as a professional geologist. Two of the references shall be professional geologists having personal knowledge of his or her geological experience or, in the case of the application for enrollment as a geologist-intern, acting only as character references;

(b) The applicant has successfully completed a minimum of thirty semester hours or forty-five quarter hours of course work in geology that includes course work in the content domains and hours as prescribed by the board and has received a baccalaureate or advanced degree in geology or a geologic specialty from a program recognized by the board;

(c) The applicant has submitted an application accompanied by the fee established by the board; and

(d) The applicant has submitted one or more acceptable written references.

(2)(a) Any individual may apply for admission to the examination on the fundamentals of geology after completing the requirements specified in subsection (1) of this section.

(b) The board may authorize the admission to the examination on the fundamentals of geology for any individual described in subdivision (a) of this subsection once the individual has completed the requirements specified in subsection (1) of this section.

(c) The board may adopt and promulgate rules and regulations that specify when an individual may apply for admission to the examination on the fundamentals of geology.

(c) The applicant has a documented record of a minimum of five years of progressive experience, obtained subsequent to completion of the education

requirements, in geologic work of a grade and character which indicates to the board that the applicant is qualified to assume responsible charge of such work upon licensure as a geologist, including geologic teaching of advanced subjects and the design of geologic research and projects in a college or university offering a geologic curriculum, except that no work experience is required for enrollment as a geologist-intern; and

(d) The applicant has completed an examination covering the fundamentals and practice of geology prescribed by the board. Upon passing the fundamentals of geology examination, the applicant may be enrolled as a geologist-intern. Upon passing the practice of geology examination, the applicant may be granted a certificate of licensure to practice geology in this state if otherwise qualified.

(3) A person who holds a valid certificate of licensure to engage in the practice of geology, issued pursuant to the authority of any state or possession of the United States or the District of Columbia based on requirements that do not conflict with the act and were of a standard not lower than that specified in the applicable licensing law in effect in this state at the time the certificate was issued, may, upon application, be considered by the board to have fulfilled the requirements of subdivisions (2)(b) and (c) of this section and be licensed without further examination as required under subdivision (2)(d) of this section.

(4) The requirements of subdivisions (2)(b) through (d) of this section may be waived by the board if the applicant is licensed to practice geology at the time of application and has maintained a current certificate of licensure to practice geology for at least fifteen years issued pursuant to the authority of a state or possession of the United States or the District of Columbia based on requirements that do not conflict with the Geologists Regulation Act and if the applicant has lawfully practiced geology for at least fifteen years in such jurisdiction. Lawful practice includes any practice that is in compliance with the licensure law in effect in the jurisdiction where the practice occurs.

**Sec. 32.** (1) The board shall consider the following as evidence that an applicant is eligible for enrollment as a geologist-intern:

(a) The applicant has graduated from a geology or geologic specialty program that includes course work in geology that includes course work in the content domains and hours as prescribed by the board;

(b) The applicant has passed the examination on the fundamentals of geology; and

(c) The applicant has submitted an application accompanied by the fee established by the board.

(2)(a) Any individual may apply for enrollment as a geologist-intern prior to completing the requirements specified in subsection (1) of this section.

(b) The board may enroll any individual described in subdivision (a) of this subsection as a geologist-intern once the individual has completed the requirements specified in subsection (1) of this section.

(c) The board may adopt and promulgate rules and regulations that specify when an individual may apply for enrollment as a geologist-intern.

**Sec. 33.** (1) The board shall consider the following as evidence that an applicant is eligible for admission to the examination on the practice of geology adopted by the board:

(a) The applicant has completed the education requirement of graduating from a geology or geologic specialty program with a minimum of thirty semester hours or forty-five quarter hours of course work in geology that includes course work in the content domains and hours as prescribed by the board;

(b) The applicant has passed the examination on the fundamentals of geology;

(c) The applicant has a documented record of a minimum of four years of progressive experience that was obtained subsequent to completion of the education requirements, in geologic work of a grade or character that indicates to the board that the applicant may be competent to practice geology;

(d) The applicant has submitted an application accompanied by the fee established by the board; and

(e) The applicant has submitted one or more acceptable written references.

(2)(a) Any individual may apply for admission to the examination on the practice of geology after completing the requirements specified in subsection (1) of this section.

(b) The board may authorize the admission to the examination on the practice of geology for any individual described in subdivision (a) of this subsection once the individual has completed the requirements specified in subsection (1) of this section.

(c) The board may adopt and promulgate rules and regulations that specify when an individual may apply for admission to the examination on the practice of geology.

**Sec. 34.** (1) The following are required for an applicant to be eligible for licensure by the board as a professional geologist under this section:

(a) The applicant has completed the education requirement of graduating from a geology or geologic specialty program with a minimum of thirty semester hours or forty-five quarter hours of course work in geology that includes course work in the content domains and hours as prescribed by the board;

(b) The applicant has passed the examination on the fundamentals of geology or a similar examination that is approved by the board;

(c) The applicant has passed the examination on the practice of geology or a similar examination that is approved by the board;

(d) The applicant has passed an examination on the statutes, rules,



regulations, and other requirements unique to Nebraska;

(e) The applicant has a documented record of four or more years of progressive experience, obtained subsequent to completion of the education requirement, in geologic work of a grade and character which indicates to the board that the applicant may be competent to practice geology;

(f) The applicant has submitted an application accompanied by the fee established by the board; and

(g) The applicant has submitted one or more acceptable written references.

(2)(a) Any individual may apply for licensure as a professional geologist after completing the requirements specified in subsection (1) of this section.

(b) The board may authorize the licensure as a professional geologist for any individual described in subdivision (a) of this subsection once the individual has completed the requirements specified in subsection (1) of this section.

(c) The board may adopt and promulgate rules and regulations that specify when an individual may apply for licensure as a professional geologist.

**Sec. 35.** (1) An individual who holds a valid license issued outside of the State of Nebraska to engage in the practice of geology may apply to the board to be licensed as a professional geologist.

(2) The following are required for an applicant to be eligible for licensure by the board as a professional geologist under this section:

(a) The applicant has a documented record of four or more years of progressive experience in geologic work of a grade and character which indicates to the board that the applicant may be competent to practice geology. Such progressive experience shall have been completed after graduating from a geology or geologic specialty program with a minimum of thirty semester hours or forty-five quarter hours of course work in geology that includes course work in the content domains and hours as prescribed by the board;

(b) The applicant has passed the examination on the fundamentals of geology or a similar examination that is approved by the board;

(c) The applicant has passed the examination on the practice of geology or a similar examination that is approved by the board;

(d) The applicant has passed an examination on the statutes, rules, regulations, and other requirements unique to Nebraska;

(e) The applicant has submitted an application accompanied by the fee established by the board;

(f) The applicant has submitted one or more acceptable written references;

(g) The applicant has provided verification of licensure in good standing in another jurisdiction; and

(h) The jurisdiction where the applicant is licensed has laws that are consistent with the Geologists Regulation Act.

**Sec. 36.** (1) An individual may apply to the board to be licensed as a professional geologist if such individual:

(a) Has been licensed to practice geology for at least fifteen years in one or more jurisdictions; and

(b) Practiced geology in any such jurisdiction in compliance with the licensing laws of such jurisdiction.

(2) The following are required for an applicant to be eligible for licensure by the board as a professional geologist under this section:

(a) The applicant has passed an examination on the statutes, rules, regulations, and other requirements unique to Nebraska;

(b) The applicant submitted an application accompanied by the fee established by the board;

(c) The applicant submitted documentation of fifteen or more years of licensed geologic practice in another jurisdiction; and

(d) The applicant submitted one or more acceptable written references.

**Sec. 37.** (1) An individual may apply to the board to be licensed as a professional geologist if such individual has practiced any combination of exempt activities described in section 81-3541 for at least fifteen years.

(2) The board shall consider the following as evidence that an applicant is eligible for licensure under this section:

(a) The applicant has completed the education requirement of completing a minimum of thirty semester hours or forty-five quarter hours of course work in geology that includes course work in the content domains and hours as prescribed by the board;

(b) The applicant has passed an examination on the statutes, rules, regulations, and other requirements unique to Nebraska;

(c) The applicant submitted an application accompanied by the fee established by the board;

(d) The applicant submitted documentation of at least fifteen years of such individual's practice of any combination of exempt activities described in section 81-3541; and

(e) The applicant submitted one or more acceptable written references.

**Sec. 38.** (1) An individual who holds a valid license to practice geology in another jurisdiction may apply to the board for a temporary permit.

(2) The board shall consider the following as evidence that an applicant is eligible for a temporary permit under this section:

(a) The applicant shall specify the project on which the applicant intends to practice geology;

(b) The applicant shall specify the length of time during which the applicant intends to practice geology for such project;

(c) The applicant submitted an application accompanied by the fee established by the board;

(d) The applicant has passed an examination on the statutes, rules, regulations, and other requirements unique to Nebraska; and

(e) The applicant submitted documentation of licensure as a licensed geologist in another jurisdiction.

(3) A temporary permit issued under this section is only valid for the project and for the length of time specified on the temporary permit.

(4) An individual who is issued a temporary permit under this section is subject to the Geologists Regulation Act.

(5) No right to practice geology beyond the project or the length of time specified on the temporary permit accrues to any holder of such permit.

(6) An individual shall not be issued more than one temporary permit under this section during such individual's lifetime.

**Sec. 39.** (1) The board shall prepare an examination on the statutes, rules, regulations, and other requirements unique to Nebraska.

(2) The board may update or make changes to such examination as it deems necessary.

**Sec. 40.** Any certificate, license, or permit that is issued by the board is effective upon the issuance of such certificate, license, or permit.

**Sec. 41.** Section 81-3540, Reissue Revised Statutes of Nebraska, is amended to read:

81-3540 (1) The board or an its agent of the board shall direct the time, and place, and delivery method of geology examinations under the Geologists Regulation Act. The board shall determine the acceptable grade on examinations.

(2) The board may:

(a) Establish guidelines for how the board will determine if a written reference is acceptable;

(b) Prepare and adopt specifications for any examination requirement under the Geologists Regulation Act;

(c) Adopt any examination, examination procedure, grading procedure, acceptable examination grade requirement, or other examination or grading guideline of the National Association of State Boards of Geology;

(d) Specify the requirements for what qualifies as acceptable progressive experience;

(e) Publish any specification or guideline adopted under this section; and

(f) Make any specification or guideline adopted under this section available to any individual upon request.

(2) The examination shall be given in two sections as follows:

(a) A fundamentals of geology examination designed to test the academic preparation of the applicant in geology. At the board's discretion, the examination may be taken at any time following substantial completion of the applicant's educational requirements. Passing this examination qualifies the examinee for a geologist-intern enrollment card, if all other requirements for enrollment as a geologist-intern are met; and

(b) A principles and practice of geology examination designed to test the applicant's ability to apply geologic knowledge and to assume responsible charge of geologic work. The geologic practice examination may be taken only after the applicant has acquired the education and experience required for licensure as a geologist.

(3)(a) Any individual who fails the examination on the fundamentals of geology or the examination on the practice of geology (3) A candidate failing one examination may apply for reexamination, which may be granted by the board. The board may waive the fee for any first reexamination. upon payment of a fee established by the board.

(b) In the event of a second or subsequent failure of the same examination described in subdivision (a) of this subsection, the board may require such individual, the examinee may, at the discretion of the board, be required to appear before the board with evidence that such individual has of having acquired the necessary additional knowledge to qualify before admission for reexamination. The board may waive the fee charged for any second or subsequent reexamination.

(c) The board may charge a fee of not more than one hundred dollars for any reexamination described in this subsection to the examination.

(4) Any examination material described in the Geologists Regulation Act is not a public record subject to public inspection pursuant to sections 84-712 to 84-712.09. The board may prepare and adopt specifications for the examinations. The specifications shall be published and be available to any person interested in being licensed.

**Sec. 42.** Section 81-3541, Reissue Revised Statutes of Nebraska, is amended to read:

81-3541 (1) The following activities do not require licensure as a professional geologist under the Geologists Regulation Act:

(a) Geologic Geological work performed by an employee or a subordinate of a professional geologist if the work does not include responsible charge of geologic geological work and is performed under the responsible charge direct supervision of a professional geologist who is and remains responsible for such work;

(b) Geologic Geological work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including, but not limited to, sand, gravel, and aggregate; and not having a substantial impact upon the public health, safety, and welfare, as determined by the board;

(c) Geologic research conducted through academic institutions, agencies of the federal or state governments, or nonprofit research institutions;

- (d) Teaching in geology or related physical or natural sciences;
- (e) Work performed by a professional engineer appropriately licensed in this state that is within the generally accepted scope of engineering practice;
- (f) The practice of any other legally recognized profession;
- ~~(g) The practice of or offer to practice geology by a person not a resident of and having no established place of business in this state who desires to practice geology for a specific project. The person shall make application to the board in writing, and after payment of a fee established by the board by rule and regulation, such person may be issued a temporary permit for a definite period of time not to exceed one year if the person is legally qualified by licensure to practice geology in his or her own state or country. No right to practice geology shall accrue to such applicant with respect to any other work not set forth in the permit;~~
- (g) ~~(h)~~ Work, which includes subsurface excavation, soil and water analysis, and routine environmental monitoring, such as sample collection and water level gauging, performed by an organization for itself and in accordance with other requirements of law;
- (h) ~~(i)~~ The work of employees of a political subdivision or state agency charged with natural resources conservation performing, in accordance with other requirements of law, their customary duties in operations, maintenance, and environmental monitoring;
- (i) ~~(j)~~ The work of employees and agents of a political subdivision or rural electric cooperative performing, in accordance with other requirements of law, their customary duties in routine utility line construction, operations, and maintenance;
- (j) ~~(k)~~ Work customarily performed by chemists, hydrologists, archaeologists, geographers, pedologists, agronomists, and soil scientists; and
- (k) ~~(l)~~ Work performed in the construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells.

(2) If the board determines with respect to a particular function that the public is adequately protected without the necessity of a professional geologist performing certain services, the board may waive the requirements of the act with respect to the function.

(3) This section shall not be construed so as to prohibit the testimony of any individual before the Nebraska Oil and Gas Conservation Commission.

**Sec. 43.** Original sections 81-3501, 81-3502, 81-3503, 81-3507, 81-3508, 81-3509, 81-3509.01, 81-3511, 81-3512, 81-3514, 81-3515, 81-3517, 81-3518, 81-3519, 81-3520, 81-3521, 81-3522, 81-3525, 81-3526, 81-3527, 81-3528, 81-3529, 81-3530, 81-3531, 81-3534, 81-3535, 81-3536, 81-3537, 81-3539, 81-3540, and 81-3541, Reissue Revised Statutes of Nebraska, are repealed.

**Sec. 44.** The following sections are outright repealed: Sections 81-3505 and 81-3513, Reissue Revised Statutes of Nebraska.