

State of Nebraska

Professional Geologists

Handbook

- **Statutes**
- **Rules and Regulations**



Effective September 3, 2025

Introduction

This handbook contains the Nebraska Geologists Regulation Act and the Rules and Regulations of the Nebraska Board of Geologists. Together, these statutes and rules govern the practice of geology in the state of Nebraska in order to safeguard life, health, property and promote the public welfare.

The first section presents the Statutes as cited in the Geologists Regulation Act, enacted by the Nebraska Legislature in 1998 - the year the Nebraska Board of Geologists was established. The most recent changes to the Act were enacted through Legislative Bill 91 of the One Hundred Third Legislature, First Session, and became effective September 3, 2025.

The second section presents the Rules and Regulations, or Title 171 of the Nebraska Administrative Code, chapters 1 through 7. These Rules and Regulations were written by the Board to enable the administration of the Statutes and cannot exceed the powers assigned to the Board by the Legislature. The latest revision to the Rules and Regulations became effective on June 10, 2025.

This handbook incorporates all current statutes and rules & regulations as of September 3, 2025. For further information concerning the law or rules and regulations governing the practice of geologists in Nebraska, please contact:

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NEBRASKA PROFESSIONAL GEOLOGISTS HANDBOOK
RULES AND REGULATIONS

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81-3501. Act, how cited.

Sections 81-3501 to 81-3550 shall be known and may be cited as the Geologists Regulation Act.

Source: Laws 1998, LB 1161, § 49; Laws 2004, LB 890, § 1; Laws 2025, LB38, § 1.

81-3502. Geology; regulation.

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. The practice of geology and use of the title professional geologist is a privilege granted by the state.

Source: Laws 1998, LB 1161, § 50; Laws 2025, LB38, § 2.

81-3503. Definitions, where found

For purposes of the Geologists Regulation Act, the definitions found in sections 81-3504 to 81-3519 shall be used.

Source: Laws 1998, LB 1161, § 51; Laws 2004, LB 890, § 2; Laws 2025, LB38, § 3.

81-3504. Board, defined.

Board means the Board of Geologists.

Source: Laws 1998, LB 1161, § 52.

81-3504.01. Certificate of authorization, defined.

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.

Source: Laws 2025, LB38, § 4.

81-3505. Repealed. Laws 2025, LB38, § 44.

81-3506. Continuing education, defined.

Continuing education means the process of training and developing knowledge related to a profession after licensure is attained.

Source: Laws 1998, LB 1161, § 54.

81-3507. Direct supervision, defined.

Direct supervision means having professional knowledge relating to and control over the work of another person that constitutes the practice of geology.

Source: Laws 1998, LB 1161, § 55; Laws 2025, LB38, § 5.

81-3508. Emeritus, defined.

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

Source: Laws 1998, LB 1161, § 56; Laws 2025, LB38, § 6.

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81-3508.01. Geologic specialty, defined.

Geologic 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.

Source:Laws 1998, LB 1161, § 59; R.S.1943, (2024), § 81-3511; Laws 2025, LB38, § 7.

81-3509. Geologist, defined.

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.

Source: Laws 1998, LB 1161, § 57; Laws 2025, LB38, § 8.

81-3509.01. Geologist-intern, defined.

Geologist-intern means a person who has been duly enrolled as a geologist-intern by the board.

Source: Laws 2004, LB 890, § 3; Laws 2025, LB38, § 9.

81-3510. Geology, defined.

Geology means the science which includes treatment of the earth and its origin and history, in general; investigation of the earth's constituent rocks, soils, minerals, solids, fluids including underground waters, gases, and other materials; the study of the natural agents, forces, and processes which cause changes in the earth or on its surface; and the application of this knowledge of the earth.

Source: Laws 1998, LB 1161, § 58.

81-3511. Transferred to section 81-3508.01.

81-3512. Good character, defined.

Good character means such character as will enable a person to discharge the fiduciary duties of a professional geologist to a client of such professional geologist and to the public for the protection of the public health, safety, and welfare.

Source: Laws 1998, LB 1161, § 60; Laws 2025, LB38, § 10.

81-3512.01. Licensee, defined.

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

Source: Laws 2025, LB38, § 11.

81-3512.02. Licensure, defined.

Licensure means a certificate of licensure issued by the board showing that an individual has met the licensing requirements to be a professional geologist under the Geologists Regulation Act.

Source: Laws 1998, LB 1161, § 65; R.S.1943, (2024), § 81-3517; Laws 2025, LB38, § 12.

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81-3513. Repealed. Laws 2025, LB38, § 44.

81-3514. Organization, defined.

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

Source: Laws 1998, LB 1161, § 62; Laws 2025, LB38, § 13.

81-3515. Practice of geology, defined.

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

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

(ii) That relates to public welfare or the safeguarding of life, health, property, and the environment.

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

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

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

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

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

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

Source: Laws 1998, LB 1161, § 63; Laws 2025, LB38, § 14.

81-3516. Professional geologist, defined.

Professional geologist means a geologist who has a current certificate of licensure issued by the board.

Source: Laws 1998, LB 1161, § 64.

81-3517. Transferred to section 81-3512.02.

81-3518. Responsible charge, defined.

Responsible charge means personal responsibility for the technical and financial aspects of geologic work through:

(1) Personal action;

(2) Management in an organization; or

(3) Direct supervision.

Source: Laws 1998, LB 1161, § 66; Laws 2025, LB38, § 15.

81-3519. Technical submissions, defined.

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

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- (1) Constitute all or a part of a project; or
- (2) Are prepared in conjunction with a project.

Source: Laws 1998, LB 1161, § 67; Laws 2025, LB38, § 16.

81-3520. Board of Geologists; created; members; qualifications; terms; emeritus members.

(1) The Board of Geologists is created to administer the Geologists Regulation Act. 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.

(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 term until a successor is duly appointed and qualified.

(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.

(4)(a) The board may designate any number of former members of the board as emeritus members. 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.

(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

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

Source: Laws 1998, LB 1161, § 68; Laws 2013, LB91, § 1; Laws 2025, LB38, § 17.

81-3521. Board; expenses; reimbursement.

Each member of the board shall serve without compensation and, pursuant to sections 81-1174 to 81-1177, shall be reimbursed for:

(1) 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 incident to the performance of duties under the Geologists Regulation Act.

Source: Laws 1998, LB 1161, § 69; Laws 2020, LB381, § 129; Laws 2025, LB38, § 18.

81-3522. Board; certificate of appointment; Attorney General; duties; official seal; rules and regulations.

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 adopt and have an official seal, which may be affixed to all certificates of licensure granted, and may adopt and promulgate rules and regulations to carry out the act.

Source: Laws 1998, LB 1161, § 70; Laws 2025, LB38, § 19.

81-3523. Board; meetings; quorum.

The board shall hold at least one regular meeting each year. Special meetings shall be held as provided in the rules and regulations and at such places as the board elects. Notice of all meetings shall be given in such manner as provided in the rules and regulations. The board shall elect annually at its first meeting after March 1, from its members, a chairperson, vice-chairperson, and secretary. A quorum of the board shall consist of not less than five members.

Source: Laws 1998, LB 1161, § 71.

81-3524. Geologists Regulation Fund; created; use; investment.

The Geologists Regulation Fund is created. The secretary of the board shall receive and account for all money derived from the operation of the Geologists Regulation Act. The board shall remit the money to the State Treasurer for credit to the Geologists Regulation Fund, which shall be continued from year to year and shall be drawn against only as provided for in this section and, when reappropriated for the succeeding biennium, shall not revert to the General Fund. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including compensation and administrative staff, and any expense incident to the administration of the act relating to other states, shall be paid out of the fund. Warrants for the payment of expenses shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and secretary of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of the fees collected under the act and to the credit of the fund.

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Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Geologists Regulation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 1998, LB 1161, § 72; Laws 2009, First Spec. Sess., LB3, § 87.

Cross References

- **Nebraska Capital Expansion Act**, see section 72-1269.
- **Nebraska State Funds Investment Act**, see section 72-1260.

81-3525. Roster; fee.

(1) The board shall maintain and make available a complete roster showing the names and last-known addresses of all professional geologists.

(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.

Source: Laws 1998, LB 1161, § 73; Laws 2025, LB38, § 20.

81-3526. Code of practice; board; powers and duties.

(1) The Legislature 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 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, suspend, or revoke a professional geologist's licensure for a violation of the code of practice.

Source: Laws 1998, LB 1161, § 74; Laws 2025, LB38, § 21.

81-3527. Professional geologist, geologist-intern, or certificate of authorization; application; fees.

(1) Any person may apply under oath or affirmation to become a professional geologist, become a geologist-intern, or receive a certificate of authorization on a form prescribed and furnished by the board. The board may accept the verified information contained in a valid record issued by the National Association of State Boards of Geology in lieu of the same information that is required on the form prescribed and furnished by the board.

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(2)(a) The fee for any application, renewal, licensure, certificate of authorization, or enrollment shall be established by the board and shall accompany the application. Any such fee is nonrefundable and 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.

(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.

Source: Laws 1998, LB 1161, § 75; Laws 2004, LB 890, § 4; Laws 2013, LB91, § 2; Laws 2025, LB38, § 22.

81-3528. Practice through organization; certificate of authorization; registration of name; requirements.

(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 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 responsibility for services performed by reason of employment or any other relationship with an organization holding a certificate of authorization.

(5) The Secretary of State shall not issue a certificate of authority to do business in this state or accept a registration of name from an organization that intends to practice geology, 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 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 Secretary of State shall not register any trade name or service mark that includes the word geology, 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

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a letter indicating the eligibility of such organization to receive a certificate of authorization or to register such trade name or service mark.

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

Source: Laws 1998, LB 1161, § 76; Laws 2013, LB91, § 3; Laws 2025, LB38, § 23.

Cross References

- **Facilitating Business Rapid Response to State Declared Disasters Act**, see section 48-3201.

81-3529. Professional geologist; certificate of licensure; seal; use; prohibited acts; enrollment card.

(1) The board shall issue to any applicant, who on the basis of education, experience, and examination has met the requirements of the Geologists Regulation Act, a certificate of licensure as a professional geologist that authorizes such person 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 the full name of the professional geologist 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 authorized to practice geology shall 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 name; the professional geologist's license number; and the words Licensed Professional Geologist.

(b) Whenever the seal is applied, the professional geologist'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 to affix such person's seal or to permit such 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 seal shall constitute certification that the work was done by such professional geologist or under the responsible charge of such professional geologist. 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 responsible for each sheet. In the case of an organization, each sheet shall be sealed and dated by the professional geologist 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 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 as geologist-intern that indicates that such geologist-intern's name has been recorded as such in the board office. The geologist-intern

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enrollment certificate does not authorize the such geologist-intern to practice as a professional geologist.

Source: Laws 1998, LB 1161, § 77; Laws 2004, LB 890, § 5; Laws 2013, LB91, § 4; Laws 2025, LB38, § 24.

81-3530. Seal and signature; affixation; restrictions.

A professional geologist shall affix such professional geologist's 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 under the direct supervision of the professional geologist.

Source: Laws 1998, LB 1161, § 89; Laws 2013, LB91, § 5; Laws 2025, LB38, § 25.

81-3531. Certificate of licensure; certificate of authorization; renewal; form; contents; notice; fee; continuing education; authorized.

(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 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 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 prescribed 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.

Source: Laws 1998, LB 1161, § 78; Laws 2013, LB91, § 6; Laws 2025, LB38, § 26.

81-3532. Certificates; replacement; fee.

A new certificate of licensure or certificate of authorization to replace any certificate lost, destroyed, or mutilated may be issued by the board. A fee not to exceed one hundred dollars shall be charged for each issuance.

Source: Laws 1998, LB 1161, § 79.

81-3533. Enforcement of act.

The board shall enforce the Geologists Regulation Act and the rules and regulations, including enforcement against any unlicensed person. If any person refuses to obey any decision or order of the board, the board or, upon the request of the board, the Attorney General or the appropriate county attorney shall file an action for the enforcement of the decision or order,

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including injunctive relief, in the district court. After hearing, the court shall order enforcement of the decision or order, or any part thereof, if legally and properly made by the board and, if appropriate, injunctive relief.

Source: Laws 1998, LB 1161, § 80.

81-3534. Practice of geology; restrictions.

Except as provided in sections 81-3541 and 81-3548, 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 is a professional geologist or a licensee or is practicing geology unless such individual is licensed under the Geologists Regulation Act. A professional geologist or licensee shall not aid or abet any person not licensed under the act in the practice of geology.

Source: Laws 1998, LB 1161, § 81; Laws 2025, LB38, § 27.

81-3535. Prohibited acts; penalties.

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 81-3541 or 81-3548;
- (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 81-3541 or 81-3548;
- (3) Uses the word 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 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 is licensed or authorized under the act;
- (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) Violates any of the provisions of the act.

Source: Laws 1998, LB 1161, § 82; Laws 2025, LB38, § 28.

81-3536. Violation of act; charges; board; duties; hearing.

- (1) Charges against any individual or organization involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board.
- (2) The board shall hold a hearing on any such charges within a reasonable time and in accordance with the rules and regulations that have been adopted and promulgated by the board. Such hearing 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 defense of the accused.

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(3) The board shall set the time and place for the hearing and shall cause a copy of the charges and 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 be sent by registered mail to the accused at the last-known business or residence address of the accused known to the board.

(4) If, after the hearing, the board finds the accused has violated the Geologists Regulation Act or any rules or regulations, the board may issue any order described in section 81-3537. If the order revokes or suspends a license or places a license on probation, the board shall provide written notice of such revocation, suspension, or probation to the Secretary of State.

(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 81-3544 to 81-3547 and in a manner as the board directs and shall be accompanied by a fee established by the board.

Source: Laws 1998, LB 1161, § 83; Laws 2025, LB38, § 29.

81-3537. Violation of act; disciplinary action; penalties.

(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 suspension 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) 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.

Source: Laws 1998, LB 1161, § 84; Laws 2013, LB91, § 7; Laws 2025, LB38, § 30.

81-3538. Repealed. Laws 2005, LB 544, § 1.

81-3539. Licensure; examination; applicant; qualifications.

(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:

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(a) The applicant is a senior in or has graduated from a geology or geologic specialty program recognized by the board;

(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;

(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.

Source: Laws 1998, LB 1161, § 86; Laws 2004, LB 890, § 6; Laws 2013, LB91, § 8; Laws 2025, LB38, § 31.

81-3540. Geology examinations.

(1) The board or an agent of the board shall direct the time, place, and delivery method of geology examinations under the Geologists Regulation Act.

(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.

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

(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 to appear before the board with evidence that such individual has 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.

(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.

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Source: Laws 1998, LB 1161, § 87; Laws 2004, LB 890, § 7; Laws 2013, LB91, § 9; Laws 2025, LB38, § 41.

81-3541. Licensure; activities exempt.

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

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

(b) Geologic 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) 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) 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) 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) Work customarily performed by chemists, hydrologists, archaeologists, geographers, pedologists, agronomists, and soil scientists; and

(k) 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.

Source: Laws 1998, LB 1161, § 88; Laws 1998, LB 1209, § 31; Laws 2007, LB664, § 1; Laws 2025, LB38, § 42.

81-3542. Geologist-intern; enrollment; eligibility; application.

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

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(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.

Source: Laws 2025, LB38, § 32.

81-3543. Examination of the practice of geology; eligibility; application.

(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.

Source: Laws 2025, LB38, § 33.

81-3544. Professional geologist; licensure; eligibility; application.

(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;

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(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.

Source: Laws 2025, LB38, § 34.

81-3545. Professional geologist; licensure; application; eligibility, license issued outside of the state.

(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

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

Source: Laws 2025, LB38, § 35.

81-3546. Professional geologist; licensure; application; eligibility, years of practice in another jurisdiction.

(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.

Source: Laws 2025, LB38, § 36.

81-3547. Professional geologist; licensure; application; eligibility, practice of exempt activities.

(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.

Source: Laws 2025, LB38, § 37.

81-3548. Temporary permit.

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

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(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.

Source: Laws 2025, LB38, § 38.

81-3549. Examination; board prepare.

(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.

Source: Laws 2025, LB38, § 39.

81-3550. Certificate, license, or permit; effective, when.

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

Source: Laws 2025, LB38, § 40.

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CHAPTER 1 - GENERAL PROVISIONS

1.1 Authority

The Nebraska Board of Geologists, hereinafter called the "Board," is created by the Geologists Regulation Act, Neb. Rev. Stat. §§ 81-3501 to 81-3541, hereinafter called the "Act." Pursuant to Neb. Rev. Stat. § 81-3522, the Board shall from time to time adopt rules and regulations, consistent with the laws of the State of Nebraska, which the Board deems necessary for the purpose of interpreting and implementing the Act.

1.2 Severability

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

1.3 Definitions

The definitions set out in Neb. Rev. Stat. §§ 81-3504 to 81-3519, are hereby incorporated by reference into these rules and regulations. In addition, the following definitions of terms shall apply:

- 1.3.1 ASBOG® means the National Association of State Boards of Geology.
- 1.3.2 FG Examination means the ASBOG® Fundamentals of Geology examination.
- 1.3.3 PG Examination means the ASBOG® Practice of Geology examination.
- 1.3.4 Temporary Permit means a permit issued by the Board for use on a specific project, not lasting in duration for more than one year.
- 1.3.5 Work, unless otherwise qualified, means the professional services comprising the practice of geology.

1.4 Fees, Renewals, Late Payment Penalties

- 1.4.1 The fees shall be set by the Board and are as follows, effective July 1, 2025:

Application Fees:

Fundamentals of Geology (FG) Exam Application Fee	\$50
Practice of Geology (PG) Exam Application Fee	\$100
Reciprocal License Application Fee	\$150
Certificate of Authorization Application Fee	\$200

Licensing/Enrollment Fees:

Geologist-Intern Enrollment Fee	Included in FG exam application fee
Temporary Permit Fee	\$250
Emeritus Fee (Lifetime)	\$25

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Renewal Fees:

License Renewal Fee	\$100
Late Renewal Fee	\$10.00 for any month or any part of a month, up to \$100
Certificate of Authorization Renewal Fee	\$200

Miscellaneous Fees:

Duplicate Certificate	\$15
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- 1.4.2 Certificates of licensure of a professional geologist shall expire at midnight on December 31 of each year, but may be renewed during the following year upon payment of a late fee. The late fee to be paid for the renewal of a certificate after December 31 shall be increased ten percent of the renewal fee for each month or fraction of a month that the payment is delinquent. The maximum renewal fee and late fee for a delinquent renewal shall not exceed twice the amount of the regular renewal fee and no renewal shall be made after one year from the original expiration date. A new application will be required after such date.
- 1.4.3 Certificates of authorization are valid for two years and shall expire at midnight on the date of expiration. An expired certificate may be renewed during the following year upon receipt of the renewal fee. No renewal shall be made after one year from the expiration date. A new application will be required after such date.
- 1.4.4 The fees may be adjusted as needed to generate the revenue needed to administer the Geologists Regulation Act.
- 1.4.5 Submittal of an application authorizes the Board to investigate the information provided on or appended to the application.
- 1.4.6 In addition to fees submitted to the Board, applicants are required to pay fees associated with examinations as established by ASBOG®.
- 1.4.7 All fees are non-refundable.

1.5 Applications

- 1.5.1 Absent specific Board action, applications not completed within one year of receipt by the Board, will be closed. If an applicant wishes to continue the application process after such date, the applicant will be required to submit a new application, application fee, and meet the current requirements in place at that time.
- 1.5.2 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for examination or licensure. The existence of such history is not an automatic bar to being licensed or approved to take the examinations, nor is disclosure intended to automatically require consideration of the discipline by the Board.

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- 1.5.3 No immediate family member of the applicant or current member of the Board shall service as a reference when references are required as part of the application.

1.6 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include financial, technological, legal, and administrative consultation, and shall work under the general direction of the Board.

1.7 Change of Contact Information and/or Name

It is the responsibility of the professional geologist, intern, examinee, or organization to notify the Board of any changes in their contact information. If an individual changes his or her name, the person will notify the Board of the name change and include a copy of the legal documents supporting the name change. All contact information and/or name change notifications are to be made using the method designated by the Board within 30 calendar days of the change in information.

1.8 Adoption of the Attorney General's Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

1.9 Public Information Requests

Public information requests will be processed in accordance with Nebraska Public Information statutes. A roster of professional geologists will be provided on the Board's website for public use.

1.10 Confidentiality of Information

- 1.10.1 Records denoted in Neb. Rev. Stat. §84-712.05 are considered non-public.
- 1.10.2 Replies received from references regarding the qualifications of an application shall be placed in files that are considered non-public records. The source and character of this information will not be divulged except when required by law.
- 1.10.3 Examination materials and results are considered confidential except examination results will be given directly to the examinee. Passing scores may be verified to another licensing jurisdiction upon written request of the examinee or the licensing jurisdiction.
- 1.10.4 An individual in the application process may personally inspect the content of his or her file except those items listed in this section.
- 1.10.5 Original documents will remain with the Board, but may be copied at the Board's office.

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1.11 Transcripts

Transcripts or other documents issued by the granting institution of higher education, or its authorized agent, will be acceptable as proof of graduation when such proof is required by the Board.

1.12 Record of Board's Actions

If a quorum is present, a simple majority of the Board members present is needed to take action unless otherwise noted in the Geologists Regulation Act and these rules. The Board will keep record of actions enacted at its meetings.

1.13 Conditional Approvals

1.13.1 The Board may authorize the Board's designee to issue licenses, certificates of authorization, and temporary permits on a conditional basis, pending formal consideration of the application by the Board.

1.13.2 In the event the Board fails to give formal approval for any reason of an application, the conditional license, certificate, or temporary permit will expire at 11:59p.m. on the date the licensee is notified of such Board action.

1.13.3 Geologic services performed pursuant to a conditional approval will be deemed to have been performed pursuant to a valid license, certificate, or permit.

1.14 Appeal of Denied Applications

An applicant who has been denied admission to either the FG or PG exam, enrollment as a geologist-intern, licensure as a professional geologists, or issuance of a certificate of authorization or temporary permit will be reconsidered by the Board if notice of appeal is filed within 30 days of the denial notice. Hearings will be held in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

1.15 Promulgation, Amendment, or Repeal of Rules

Petitioning for rulemaking shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 2 of the Nebraska Department of Justice.

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CHAPTER 2 - LICENSURE OF PROFESSIONAL GEOLOGISTS BY EXAMINATION

2.1. Requirements for Licensure by Examination

Licensure by examination requires that the applicant have:

- (1) Satisfied the education requirements set forth in Rule 2.2;
- (2) Passed both the Fundamentals of Geology (FG) and Practice of Geology (PG) Examinations as set forth in Rule 2.3; and
- (3) Satisfied the experience requirement set forth in Rule 2.4;
- (4) Complied with the application process set forth in Rule 2.5.

2.2. Education Requirements

- 2.2.1. Applicants for the FG Examination must have completed a minimum of thirty semester hours or forty-five quarter hours of geology regardless of whether or not geology or geologic specialty degree has been earned.
- 2.2.2. Applicants for the PG Examination are required to have completed at least thirty semester hours or forty-five quarter hours of geology course work and earned a baccalaureate or advanced degree in geology or geologic specialty which includes five of the following courses or the Board approved equivalents: field geology, physical geology, mineralogy, petrology/petrography, structural geology, stratigraphy/sedimentology/soils, or hydrogeology.

2.3. Examinations

- 2.3.1. The examinations used by the Board determine eligibility shall be the current ASBOG® FG and PG examinations.
- 2.3.2. The Board will follow ASBOG®'s schedule for examinations at a place determined by the Board.
- 2.3.3. The Board will determine applicant eligibility for the FG and PG Examinations and notify the applicant of such.
 - 2.3.3.1. Once the Board determines an applicant is eligible to take the FG and/or PG Examination/s, the applicant remains eligible to retake the same examination for five years. The five years shall commence on the date of the first scheduled examination after the applicant has been approved.
- 2.3.4. The FG Examination may be taken upon meeting the education requirement set forth in Rule 2.2.1.
- 2.3.5. The PG Examination may be taken upon meeting the education requirement set forth in Rule 2.2.2 and the experience requirement set forth in Rule 2.4.

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- 2.3.6. The Board will accept the examination results as determined by ASBOG® and will report the results to the examinee.
- 2.3.7. If there is any reported examination irregularity on the part of an examinee, the Board will investigate the allegation and take appropriate action.
- 2.3.8. Passage of the FG and PG examinations will be determined by the ASBOG® pass/fail standards in place at the time the examination was taken.
- 2.3.9. After the third and subsequent failure of either examination, the candidate shall present to the Board evidence of having successfully completed two of the seven core geology courses as listed in Rule 2.2.2. It is recommended the courses be in the area(s) of examination deficiency. A new application, along with the current application fee will be required along with a request to retake the examination.
- 2.3.10. An examinee's failure to attend an examination for which he or she has been scheduled will forfeit the registration and exam seat reservation fee.
- 2.3.11. Failure of an examinee to attend an examination for which he or she has been scheduled to attend will not be considered as a failure of the examination under Rule 2.3.9.

2.4. Experience

- 2.4.1. Candidates for the PG Examination shall have not less than five years of progressive geologic experience obtained after completion of the education requirements as set forth in Rule 2.2.
- 2.4.2. Experience must indicate that, over the course of time, the applicant's work has been of increasing quality and has required greater responsibility.
- 2.4.3. Only experience of a geologic nature which follows graduation from a geology or geologic specialty program may be used to satisfy the experience requirement.
- 2.4.4. Successful completion of graduate study leading to an advanced degree in geology or geologic specialty may satisfy part of the experience requirement.
 - 2.4.4.1. A Master's degree in geology or geologic specialty may be used for credit for one year of experience. A Doctorate degree may be used for credit for two years of experience. No more than two years' experience will be credited based on advanced degrees.
- 2.4.5. Experience should be gained under the direct supervision of a professional geologist or, if not, an explanation should be made showing why the experience should be considered acceptable to the Board.
- 2.4.6. Criteria for determining geologic experience includes part-time work which will be converted to its full-time equivalent.:

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- 2.4.7. Experience may be gained either under the work experience category or education. The applicant cannot claim experience for completion of an advanced degree and work experience while working during the same time period.
- 2.4.8. Experience may not be anticipated and must have been obtained at the time of the application.

2.5. Application for FG and PG Examinations

- 2.5.1. To be eligible to sit for the FG Examination, an applicant must:
 - 2.5.1.1. Submit an application on or before the filing deadline established by the Board along with the applicable application fee;
 - 2.5.1.2. Submit two references indicating good character and reputation; and
 - 2.5.1.3. Provide satisfactory evidence of meeting the education requirements set forth in Rule 2.2.
- 2.5.2. To be eligible to sit for the PG Examination, an applicant must:
 - 2.5.2.1. Submit an application on or before the filing deadline established by the Board;
 - 2.5.2.2. Submit four references indicating good character and reputation, two of which are from professional geologists who have personal knowledge of the applicant's geologic experience;
 - 2.5.2.2.1. If the applicant applied for and passed the FG Examination in Nebraska within the last five years, only the two professional geologist references are required.
 - 2.5.2.3. Provide satisfactory evidence of meeting the education requirement as set forth in Rule 2.2;
 - 2.5.2.4. Provide verification of passing the FG Examination. Such verification must be received directly from the licensing jurisdiction in which the examination was taken; and
 - 2.5.2.5. Provide satisfactory evidence of meeting the experience requirement as set forth in Rule 2.4.
- 2.5.3. An applicant may apply for both the FG and PG Examinations concurrently if he or she is eligible to sit for the PG Examination.
- 2.5.4. All examination applications will go to the Board for review and final approval.

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2.6. Enrollment as a Geologist-Intern

- 2.6.1. Enrollment as a Geologist-Intern shall be granted upon completion of the following:
 - 2.6.1.1. Passage of the FG Examination as set forth these rules; and
 - 2.6.1.2. Verification of earning a degree in geology or geologic specialty.
- 2.6.2. Enrollment as a Geologist-Intern is not required to sit for the PG Examination or for licensure in Nebraska.

2.7. Licensure as a Professional Geologist following Examination

Upon passage of the PG examination, as approved by the Board, a certificate of licensure shall be issued containing the licensee's full name and license number.

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CHAPTER 3 - LICENSURE OF PROFESSIONAL GEOLOGISTS FROM OTHER JURISDICTIONS

3.1. Jurisdictional Comity/Reciprocity Licensure Requirements

- 3.1.1. Pursuant to Neb. Rev. Stat. § 81-3539(3), a geologist applicant from another jurisdiction may be licensed after the applicant:
 - 3.1.1.1. Files an application with the associated fee;
 - 3.1.1.2. Submits satisfactory evidence of such licensure to the Board;
 - 3.1.1.3. Submits verification that the applicant has passed both the FG and PG Examinations;
 - 3.1.1.4. Submits verification that the applicant has satisfied the education requirements set forth in Rule 2.2.2; and
 - 3.1.1.5. Submits evidence of five years of geology experience that is in compliance with the licensing law in the jurisdiction where the practice occurred.
- 3.1.2. The Board may waive the examination and/or the education requirements if:
 - 3.1.2.1. The applicant has a minimum of fifteen years of licensed experience acceptable to the Board.
 - 3.1.2.2. Such applicants may be required to submit additional information.
- 3.1.3. All license applications will go to the Board for review and final approval.

3.2. Temporary Permit

- 3.2.1. Pursuant to Neb. Rev. Stat. § 81-3541(1)(g), a geologist applicant who holds a current and valid license in another state or country may be issued a temporary permit after the applicant:
 - 3.2.1.1. Files an application with the associated fee; and
 - 3.2.1.2. Submits satisfactory evidence of such licensure to the Board.
- 3.2.2. The permit will include a template containing the applicant's name, permit, number, expiration date, and project name and location.
- 3.2.3. The holder of the temporary permit shall use their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project and shall accompany the seal with the template issued by the Board.

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- 3.2.4. Temporary permits expire one year after the date of issuance or upon the issuance of a comity/reciprocal license, whichever occurs first.
- 3.2.5. Applications for temporary permits may be conditionally approved by the Board's designee, until formally considered by the Board.

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Chapter 4 - CODE OF PRACTICE

4.1 All licensees will be guided by the highest standards of personal integrity and professional conduct:

- 4.1.1 They will pursue honesty, integrity, loyalty, fairness, impartiality, candor, fidelity to trust, inviolability of confidence, and honorable conduct.
- 4.1.2 By applying for or by continuing licensure or certification, they agree to comply with and uphold this Code of Practice.
- 4.1.3 They will not discriminate against others on the basis of gender, age, disability, race, color, religion, marital status, national or ethnic origin, or sexual orientation.

4.2 Licensees will uphold public health, safety, and welfare in the performance of professional services, and avoid even the appearance of impropriety.

- 4.2.1 They will observe and comply with the requirements and intent of all applicable laws, codes, and regulations.
- 4.2.2 They will not knowingly participate in any illegal activities, or knowingly permit the publication of their reports, maps, or other documents for an illegal purpose.
- 4.2.3 They will neither offer nor make any illegal payment, gift, or other valuable consideration to a public official for the purpose of influencing a decision by such official; nor shall they accept any payment, gift, or other valuable consideration which would appear to influence a decision made on behalf of the public by them acting in a position of public trust.
- 4.2.4 If they become aware of a decision or action by an employer, client, or colleague which violates any law or regulation, they will advise against such action, and when such violation appears to adversely affect public welfare or the safeguard of life, health, property and the environment, they will advise the appropriate public officials responsible for the enforcement of such law or regulation.
- 4.2.5 They will be accurate, truthful, and candid in all communications with the public.
- 4.2.6 They will not knowingly engage in false or deceptive advertising, or make false, misleading, or deceptive representations or claims in regard to the profession of geology, their own professional qualifications or abilities, or those of other geologists.
- 4.2.7 They will not issue statements or information which they know to be false or misleading even though directed to do so by an employer or client.
- 4.2.8 They will avoid making sensational, exaggerated, and/or unwarranted statements that may mislead or deceive members of the public or any public body.
- 4.2.9 They should participate as citizens and as professionals in public affairs.

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- 4.2.10 Licensees acting in a position of public trust will exercise their authority impartially, and will not seek to use their authority for personal profit or to secure any competitive advantage.
- 4.2.11 They will promote public awareness of the effects of geology and geologic processes on the quality of life.

4.3 Licensees will serve their employers and clients faithfully and competently within their overall professional obligations.

- 4.3.1 They will disclose any actual or potential conflicts of interest, which may affect their ability to faithfully serve an employer or client.
- 4.3.2 They will disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest which may, either directly or indirectly, have a bearing on such employment.
- 4.3.3 Licensees having or expecting to have beneficial interest in a property on which they report will state the existence of such interest or expected interest in the report.
- 4.3.4 Licensees employed or retained by one employer or client will not accept, without that employer's or client's written consent, an engagement by another if the interests of the two are in any manner conflicting.
- 4.3.5 They will not accept referral fees from any person to whom an employer or client is referred; however, nothing herein will prohibit them from being compensated by the employer or client for consultation, or for other services actually performed.
- 4.3.6 They will not offer or pay referral fees to any person who refers an employer or client to them; however, nothing herein will prohibit them from compensating the person giving the referral for consultation or for other services actually performed.
- 4.3.7 They will protect, to the fullest possible extent, the interest of an employer or client in a manner that is consistent with public welfare or the safeguard of life, health, property and the environment and the licensee's legal, professional, and ethical obligations.
- 4.3.8 They will not use, directly or indirectly, any confidential information obtained from services for an employer or client which is adverse or detrimental to the interests of the employer or client, except with the prior consent of the employer or client, or when disclosure is required by law.
- 4.3.9 A licensee who has made an investigation for an employer or client will not seek to profit economically from the information gained without written permission of the employer or client, unless it is clear that there can no longer be a conflict of interest with the original employer or client.
- 4.3.10 They will not use their employer or client's resources for private gain without their employer's or client's prior knowledge and consent.

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4.4 Licensees will provide competent service to their employers and clients.

- 4.4.1 They will perform only professional services or issue only professional advice which is within the scope of their education and experience, and that of their professional associates, consultants, or employees, and will advise the employer or client of professional advice outside of their personal expertise.
- 4.4.2 They will not give a professional opinion, or submit a report, without being as thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.
- 4.4.3 They will engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interest would be best served by such engagement.
- 4.4.4 They will serve their employers and clients diligently and perform their services in a timely manner.
- 4.4.5 Licensees who find that obligations to an employer or client conflict with professional or ethical standards should have such objectionable conditions corrected or they should resign.

4.5 Licensees will respect the rights, interests, and contributions of their professional colleagues.

- 4.5.1 They will respect and acknowledge the professional status and contributions of their colleagues.
- 4.5.2 They will give due credit for work done by others in the course of a professional assignment, and will not knowingly accept credit due another.
- 4.5.3 They will not plagiarize another in oral or written communications; use materials prepared by others without appropriate attribution, or make use of the intellectual property of another without appropriate attribution.

4.6 Licensees will continually strive to improve the profession of geology.

- 4.6.1 They will strive to improve their professional knowledge and skills.
- 4.6.2 They will cooperate with others in the profession and encourage the dissemination of geologic knowledge.
- 4.6.3 They will work toward the improvement of standards of geologic education, research, training, and practice.
- 4.6.4 They will uphold these standards of professional conduct by precept and example, but also encourage by counsel and advice to other licensees their adherence to such standards.

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- 4.6.5 Licensees having knowledge of another licensee violating the Act, the rules of the Board, or the Code of Practice should bring substantial evidence of such violation to the attention of the Board.

4.7 Use of Regulated Titles

- 4.7.1 Professional geologists who are licensed in Nebraska may identify themselves as such.
- 4.7.2 Professional geologists who are not licensed in Nebraska, but who hold a valid license in another licensing jurisdiction:
- 4.7.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide geologic services;
 - 4.7.2.2 May identify themselves as such on correspondence and other documents that contain an offer to provide geologic services in Nebraska, if such documents clearly indicate and disclose that the professional geologist:
 - 4.7.2.2.1 Holds a current and valid license in another licensing jurisdiction;
 - 4.7.2.2.2 Does not hold a current and valid license in Nebraska;
 - 4.7.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and
 - 4.7.2.2.4 Has a reasonable likelihood of obtaining a licensed in Nebraska.
- 4.7.3 Individuals who do not hold a current and valid license in any other licensing jurisdiction will not use the title of professional geologist.
- 4.7.4 The following certification titles and terms may be used provided the full name of the organization granting the certification are stated following the use of the term, and the term is not being used in such a manner that they tend to, or are likely to create any impression with the public or any member thereof, that the individual is a professional geologist as defined in the Geologists Regulation Act and these Rules:
- 4.7.4.1 Certified Professional Geologist or CPG as used by the American Institute of Professional Geologists.
 - 4.7.4.2 Certified Petroleum Geologist or CPG as used by the American Association of Petroleum Geologists-Division of Professional Affairs.
 - 4.7.4.3 Certified Ground Water Professional or CGWP as used by the National Groundwater Association.

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CHAPTER 5 - ENFORCEMENT

5.1 Initial Review of Complaints or Compliance Issues

- 5.1.1 When a complaint is received by the Board in which a person is alleged to have violated the Act and/or Title 171 NAC, or the Board becomes aware of a compliance issue that may constitute a violation of the Act and/or Title 171 NAC, the Board may refer the complaint or compliance issue to a committee or an investigator, or may consider the complaint or compliance issue without such referral.
- 5.1.2 If applicable, the committee or investigator shall make a recommendation as to:
 - 5.1.2.1 Whether the matter should be dismissed for lack of probable cause; or
 - 5.1.2.2 Whether there is probable cause that a violation of the Act and/or Title 171 NAC has occurred; or
 - 5.1.2.3 Whether further investigation is required in order to determine whether there is probable cause.
- 5.1.3 Upon receipt of a recommendation or upon consideration by the Board, the Board will determine whether there is probable cause and, if so, whether the informal or formal process should be undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint shall be dismissed. The Board may make a determination on probable cause with or without having requested a response from the respondent.

5.2 Informal Process

The Board may utilize the informal process as described below in lieu of, or as a prerequisite for, entering into a formal process.

- 5.2.1 The respondent shall be entitled to copies of the complaint and all information upon which the probable cause determination was made.
- 5.2.2 The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Board.
- 5.2.3 If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter.
 - 5.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.
 - 5.2.3.2 Copies of the documents referred to in Rule 5.2.1 shall be provided to the respondent no later than the time the request to appear is made.

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- 5.2.4 At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individual will be giving up their rights to due process by participating in the informal process.
- 5.2.5 The Board may request that a party or parties bring material, documents, or exhibits to facilitate the informal discussion with the Board.
- 5.2.6 The matter will be resolved if the Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or such document is executed on those terms. Acceptable terms may include, but are not limited to professional education, limitations on practice, civil penalties, and assessment of fees and/or costs.
- 5.2.7 The Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under the formal process.
- 5.2.8 The respondent's participation in the informal process is voluntary, not mandatory.

5.3 Formal Process

- 5.3.1 The procedure for hearings regarding matters not resolved by the informal process shall be in accordance with Title 53, NAC, Chapter 4 of the Nebraska Department of Justice. Board's receipt of a complaint shall not constitute the initiation of a formal process.
- 5.3.2 Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Nebraska Administrative Procedures Act, or resort to such other means of review as may be provided by law.

5.4 Failure to Comply with Board Orders

If any person refuses to obey any decision or order of the board, enforcement proceedings may be commenced in the appropriate district court in accordance with Neb. Rev. Stat § 81-3533.

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CHAPTER 6 - THE LICENSEE SEAL

6.1 Use of the Seal

- 6.1.1 The purpose of the seal is to assist in identification of the professional geologist responsible for the work performed under the requirements of the Act.
- 6.1.2 The seal used by a professional geologist shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.
- 6.1.3 The responsible professional geologist shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to the cover page of geologic reports or other geologic documents bound in book form as well as on each and every original sheet of unbound geologic drawings, cross sections, or maps whenever these documents are presented to a client or any public or governmental agency.
- 6.1.4 Sealing of documents, when the underlying work was not performed by or under the direct supervision of a professional geologist is prohibited.
- 6.1.5 Preliminary documents shall identify the purpose of the document, the professional geologist of record with their license number and the release date by placing the following text or similar wording instead of a seal: "This document is released for the purpose of (purpose of document) under the authority of (professional geologist and license number) on (date)."
- 6.1.6 When sealing plans or documents on which two or more professional geologists have worked, the seal of each professional geologist shall be placed on the plan or document with a notation describing the work done under each professional geologist's direct supervision.
- 6.1.7 No seal shall be valid unless signed across the face of the seal with the professional geologist's name and the date on which the material was signed.
- 6.1.8 Professional geologists are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

6.2 Use of Seal on Supervised Work

- 6.2.1 In order to exercise full professional knowledge of and control over work, a professional geologist intending to affix their seal on geologic documents must:
 - 6.2.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;

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- 6.2.1.2 Be personally aware of the project's scope, needs, parameters, limitation, and special requirements;
 - 6.2.1.3 Be capable of answering questions relevant to the geologic decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and
 - 6.2.1.4 Be reasonably satisfied with the product of the services rendered and accept full responsibility of the work.
- 6.2.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of the professional geologist.

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CHAPTER 7 – ORGANIZATIONAL PRACTICE

7.1 Applications

- 7.1.1 Organizations practicing or offering to practice geology in Nebraska shall apply to the Board for a certificate of authorization.
- 7.1.2 The Board will review the organization's application and issue a certificate of authorization if the minimum requirements are satisfied.
- 7.1.3 Certificates of authorization are valid for two years from issuance.
- 7.1.4 A certificate of authorization may be renewed for two years upon submission of the renewal application and appropriate renewal fee prior to the expiration of the certificate.
 - 7.1.4.1 An expired certificate may be renewed without penalty up to one year after expiration.
 - 7.1.4.2 After one year, an expired certificate requires a new application and the appropriate application fee along with meeting the certificate requirements in place at that time.
- 7.1.5 The certificate of authorization may be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes and requirements for practicing in Nebraska as a corporation, partnership, limited liability company, professional corporation, or other such organizational designation appropriate under Nebraska law except sole proprietorships do not require a certificate.
- 7.1.6 Applications for certificates of authorization may be conditionally approved by the Board's designee upon review and determination that the minimum requirements set forth herein and in the Geologists Regulation Act have been met, formally considered approved by the Board.

7.2 Minimum Requirements

- 7.2.1 The requirements for an organization to practice or offer to practice geology in Nebraska is to have at least one professional geologist who is licensed to practice in Nebraska and an employee who regularly performs geologic services for the organization for the duration of the certificate of authorization.
- 7.2.2 The signature of the professional geologist must appear on the application.
- 7.2.3 The professional geologist whose signature appears on the application may or may not have ownership interest in the organization.
- 7.2.4 The applicant must pay the appropriate application fee.

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- 7.2.5 An individual who has elected emeritus status is not eligible to sign as an organization's professional geologist on the application.
- 7.2.6 Should the professional geologist who has signed the application leave the organization, die, or lose their signatory authority, the organization has thirty days to notify the Board and file an amendment to its application identifying a new professional geologist with signatory authority.

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