

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

81-3501. Act, how cited.

Sections 81-3501 to 81-3541 shall be known and may be cited as the Geologists Regulation Act.

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

81-3502. Geology; regulation; prohibited acts.

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 geologist is a privilege granted by the state.

Source:Laws 1998, LB 1161, § 50.

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.

81-3504. Board, defined.

Board means the Board of Geologists.

Source:Laws 1998, LB 1161, § 52.

~~**81-3505. Consulting geologist, defined.**~~

~~Consulting geologist means a professional geologist whose principal occupation is the independent practice of geology; whose livelihood is obtained by offering geologic services to the public; who serves clients as an independent fiduciary; who is devoid of public, commercial, and product affiliation that might tend to imply a conflict of interest; and who is cognizant of his or her public and legal responsibilities and is capable of discharging them.~~

Source:Laws 1998, LB 1161, § 53.

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 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.

Source:Laws 1998, LB 1161, § 55.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

81-3508. Emeritus, referring to a geologist, defined.

Emeritus, referring to a geologist, means a professional who relinquishes or does not renew his or her licensure and who is approved by the board to receive publications and use the honorary title emeritus.

Source:Laws 1998, LB 1161, § 56.

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 as provided in section 81-3539.

Source:Laws 1998, LB 1161, § 57.

81-3509.01. Geologist-intern, defined.

Geologist-intern means a person who has passed an examination in the fundamentals of geology as provided in section 81-3540.

Source:Laws 2004, LB 890, § 3.

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. ~~Geology~~ Geologic specialty, defined.

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.

Source:Laws 1998, LB 1161, § 59.

81-3512. Good character, defined.

Good character means such character as will enable a person to discharge the fiduciary duties of a geologist to his or her client 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.

Source:Laws 1998, LB 1161, § 60.

~~81-3513. Occasional, part-time, or consulting services, defined.~~

~~Occasional, part-time, or consulting services means services not provided by a full-time member of an organization engaged in geology.~~

Source:Laws 1998, LB 1161, § 61.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

81-3514. Organization, defined.

Organization includes a partnership, limited liability company, corporation, or other form of business entity [as allowed under Nebraska law](#).

Source:Laws 1998, LB 1161, § 62.

81-3515. Practice of geology, defined.

Practice of geology means any service or creative work if the adequate performance of the service or work requires geologic education, training, and experience to include such services or creative work as geological consultation, investigation, planning, surveying, mapping, and inspection of geological work, and the responsible supervision thereof, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment, and teaching, including research and service, of advanced geological subjects. A person shall be construed to practice or offer to practice geology if he or she: (1) Practices any branch of the profession of geology; (2) by verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be a professional geologist; (3) through the use of some other title, implies that he or she is licensed under the Geologists Regulation Act; or (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.

Source:Laws 1998, LB 1161, § 63.

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. ~~Registration (or Licensure)~~, defined.

~~Registration (or Licensure) means a certificate of registration (or Licensure) issued by the board. For the purposes of the Geologists Regulation Act, license and registration have the same meaning.~~

Source:Laws 1998, LB 1161, § 65.

81-3518. Responsible charge, defined.

Responsible charge means direct control, direction, and personal supervision by use of initiative and independent judgment for geological work, [and the management of the technical and financial aspects of geology work through an organization](#).

Source:Laws 1998, LB 1161, § 66.

81-3519. Technical submissions, defined.

Technical submissions means designs, drawings, specifications, studies, and other technical reports [that constitute, or may be prepared in conjunction with a project](#).

Source:Laws 1998, LB 1161, § 67.

81-3520. Board of Geologists; created; membership; terms.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

(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 seven members appointed by the Governor for terms of five years ~~each, ending~~ terminating 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. Each member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. The length of the initial terms shall be staggered, as determined by the board. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies on the board, however created, shall be filled for the unexpired term by appointment by the Governor.~~ The board shall consist of:

(a) Six professional geologists, one of whom 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; and

(b) One public member.

~~(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.~~ Each member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Governor shall reappoint or replace existing members as their terms expire, and the public member shall be reappointed or replaced in the fifth year of his or her term. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

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

(3) 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 direct supervision of work for at least five years at the time of his or her appointment, and shall be licensed as a professional geologist in this state.

(4) The board may designate a former member of the board as an emeritus member. Emeritus member status, when conferred, must be renewed annually. The emeritus member ~~shall be~~ is a non-voting member.

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

81-3521. Board; ~~membership requirements~~ members; expenses.

~~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 receive as compensation the same per diem and travel expenses as other state employees~~ serve without compensation except they shall be reimbursed for expenses for each day actually spent in traveling to and

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

from and while attending sessions of the board and its committees or authorized meetings of the National Association of State Boards of Geology, or their subdivisions or committees, and all necessary expenses incident to the performance of his or her duties under the Geologists Regulation Act as provided in sections 81-1174 to 81-1177.

Source:Laws 1998, LB 1161, § 69.

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

Source:Laws 1998, LB 1161, § 70.

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. 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.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

Cross References

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

81-3525. Roster.

The ~~secretary of the~~ board shall ~~publish~~ maintain and make available to the public 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~~ board shall ~~file the roster with the Secretary of State and may mail~~ distribute 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. The board may charge a fee for distributing the roster.~~

Source:Laws 1998, LB 1161, § 73.

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

(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 ~~established by this section shall~~ may include provisions on, but is not limited to:

- (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~~ will explain the meaning of interpretations given to the code by the board.

(5) The board ~~shall have~~ has the power to suspend or revoke a geologist's licensure for a violation of the code of practice.

Source:Laws 1998, LB 1161, § 74.

81-3527. Licensure; enrollment; application; fees.

(1) Application for licensure as a geologist, ~~or~~ enrollment as a geologist-intern, or a certificate of authorization 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.~~ Applications shall be made under oath. The board may accept the verified information contained in ~~the~~ 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.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

(2) Application, licensure, and enrollment fees shall be established by the board and shall accompany the application. ~~Original and reciprocal f~~ees 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. The board may charge a fee to recover the costs of online applications, renewals, and their administration.

(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 and is non-refundable.

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

81-3528. Practice through organization; certificate of authorization; 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 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) ~~Commencing one year after January 1, 1999, t~~he Secretary of State ~~shall~~will not issue a certificate of authority to do business in the state to an applicant or issue a registration of name ~~to a foreign firm to an organization which includes among the objectives for which it is established geology or any modification or derivation of geology~~in the state to an organization which intends to engage in the practice of geology; unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive a certificate ~~of authorization. The organization shall supply the certificate or letter with its application for incorporation or licensure.~~or register the name.

(6) ~~Commencing one year after January 1, 1999, t~~he Secretary of State ~~shall~~will not register any trade name or service mark which includes the words ~~professional~~geologist, or any

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

modification or derivative of such word, in ~~its~~ an applicant's firm name or logotype ~~except to those organizations holding a certificate of authorization issued by the board~~ unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to register the trade name or service mark.

(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.~~

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

81-3529. 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, if required pursuant to section 81-3539, has met the requirements of the Geologists Regulation Act a certificate of licensure 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 give the full name of the 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 licensee authorized to practice geology 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; licensee's name; licensee's license number; and the words Licensed Professional Geologist.

(b) Whenever the seal is applied, the 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 a licensee to affix his or her seal or to permit 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 the licensee's seal shall constitute certification that the work was done by 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 licensee responsible for each sheet. In the case of an organization, each sheet shall be sealed and dated by the licensee involved. The geologist in responsible charge shall seal and date the title or first sheet.

(e) In the case of a temporary permit issued to 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 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 card as geologist-intern which indicates that his or her

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

name has been recorded as such in the board office. The geologist-intern enrollment card does not authorize the holder to practice as a professional geologist.

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

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

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

(2) A professional geologist shall affix 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 or issued by or under the direct supervision of the professional geologist.

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

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 ~~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 mailed-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 shall apply 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.

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

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,

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

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 81-3539 to 81-3541, 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 he or she is a geologist or is practicing geology unless he or she is licensed under the Geologists Regulation Act. A ~~licensed~~[professional](#) geologist shall not aid or abet any person not licensed under the act in the practice of geology.

Source:Laws 1998, LB 1161, § 81.

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 sections 81-3539 to 81-3541;
- (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 sections 81-3539 to 81-3541;
- (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 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 he or she is licensed or authorized under the act;
- [\(9\) Advertise any title or description tending to convey the impression that he or she is a professional geologist unless the person is duly licensed under the Geologist Regulation Act;](#) or
- ~~(910)~~ Violates any of the provisions of the act.

Source:Laws 1998, LB 1161, § 82.

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

- [\(1\)Charges against any person 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 charges, at the discretion of the board, shall be heard. A hearing on the complaint shall be held](#) within a reasonable time in accordance with the rules and regulations which may include 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.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

(3) The board shall set the time and place for the hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at ~~his~~ ~~his~~, or her, or its last-known business or residence address 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, 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, suspends, or cancels a license, the board shall 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 such a manner as the board directs and shall be accompanied by a fee established by the board, in accordance with section 81-3539.

Source:Laws 1998, LB 1161, § 83.

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, suspension, 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.

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

(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.

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

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

81-3539. Licensure; enrollment; applicant; qualifications; waiver.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

~~(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. (see §81-3527)~~

~~(2)~~ (21) The following shall be considered as minimum evidence satisfactory to the board that the an applicant is qualified for licensure as a professional geologist or enrollment as a geologist-intern eligible for admission to the examination on the fundamentals of geology that is adopted by the board:

~~(a) The applicant is 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~~ The applicant is a senior in or graduate of a geology or geologic specialty program recognized by the Board;

(b) Completion of a minimum of thirty semester hours or forty-five quarter hours of geology course work as established in the rules and regulations of the board regardless of whether or not a geology or geologic specialty degree has been earned;

(c) Submission of an application accompanied by the fee established by the board; and

(d) One or more written references which shall be submitted by the applicant to the board.

~~(b) The applicant has successfully completed a minimum of thirty semester hours or forty-five quarter hours of course work in geology 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 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.~~

~~(32) 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.~~ The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for enrollment as a geologist intern:

(a) Graduation from a geology or geologic specialty program with a minimum of thirty semester hours or forty-five quarter hours of course work in geology as established in the rules and regulations of the board; and

(b) Passage of an exam in the fundamentals of geology as accepted by the board;

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

~~(43) 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.~~ The following shall be considered as minimum evidence satisfactory to the board that an applicant is eligible for admission to the examination on the practice of geology adopted by the board:

(a) Graduation from a geology or geologic specialty program with a minimum of thirty semester hours or forty-five quarter hours of course work in geology as established in the rules and regulations of the board;

(b) Passage of an examination in the fundamentals of geology as accepted by the board;

(b) A record of four or more 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 may be competent to practice geology;

(c) Submission of an application accompanied by the fee established by the board;

(d) One or more written references which shall be submitted by the applicant to the board.

(4) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for licensure as a professional geologist:

(a) Graduation from a geology or geologic specialty program with a minimum of thirty semester hours or forty-five quarter hours of course work in geology as established in the rules and regulations of the board;

(b) Passage of an examination in the fundamentals of geology as accepted by the board;

(c) Passage of an examination in the practice of geology as accepted by the board;

(d) A record of four or more 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 may be competent to practice geology;

(e) Submission of an application accompanied by the fee established by the board;

(f) One or more written references which shall be submitted by the applicant to the board.

(5) An individual holding a license to practice geology issued by a proper authority of any jurisdiction, based on credentials that do not conflict with subsection (4) of this section and other provisions of the Geologists Regulation Act may, upon application, be licensed as a professional geologist after:

(a) Submission of an application accompanied by the fee established by the board; and

(b) One or more written references which shall be submitted by the applicant to the board.

(6) An individual who has been licensed to practice geology for fifteen or more years in one or more jurisdictions and who has practiced geology for fifteen years in compliance with the licensing laws in the jurisdiction(s) where his or her geology practice has occurred, since initial licensure may, upon application, be licensed as a professional geologist after:

(a) Submission of application accompanied by the fee established by the board;

(b) A record of fifteen or more years of licensed experience satisfactory to the board; and

(c) One or more written references which shall be submitted by the applicant to the board.

Nebraska Geologists Regulation Act

Effective: ~~September 6, 2013~~
Draft Revisions: January 29, 2020

(7) An individual who holds a valid license to practice geology in another jurisdiction may be issued a temporary permit to provide geologic services for a specific project for a definite period of time. The individual shall make application to the board in writing accompanied by payment of a fee established by the board. An individual may not be issued more than one temporary permit. No right to practice geology accrues to such applicant with respect to any other work not set forth in the permit. Temporary permit holders are subject to all the provisions of the Geologist Regulation Act governing the practice of geology.

(8) The board or its agent will direct the time and place of the examinations referenced in subsections (1) and (3) of this section.

(9) The board may adopt the examinations and grading procedures of the National Association of State Boards of Geology. The board may also adopt guidelines published by the association.

(10) An examination candidate who fails either the fundamentals of geology or the practice of geology examinations, may apply for reexamination, which may be granted upon payment of a fee established by the board if so required by the board. In the event of a second or subsequent failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the necessary additional knowledge to qualify before admission to the failed examination.

(11) None of the examination materials described in this section will be considered public record.

(12) The board may publish guidelines regarding acceptable geologic experience.

(13) Licensure will be effective upon issuance.

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

~~81-3540. Geology examinations.~~

~~(1) The board or its agent shall direct the time and place of geology examinations. The board shall determine the acceptable grade on examinations.~~

~~(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 candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. In the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the necessary additional knowledge to qualify before admission to the examination.~~

~~(4) 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.~~

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

Nebraska Geologists Regulation Act

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Draft Revisions: January 29, 2020

81-3541. Licensure; activities exempt.

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

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

(b) Geological work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including 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;~~

(~~h~~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~~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;

(~~k~~i) Work customarily performed by chemists, hydrologists, archeologists, geographers, pedologists, agronomists, and soil scientists; and

(~~k~~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.