

Nebraska Board of Geologists
Rules and Regulations
Title 171, Nebraska Administrative Code
Last Filing Date: ~~June 26, 2019~~
Last Effective Date: ~~July 1, 2019~~

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 ~~is~~ 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	\$100 <u>150</u>
Certificate of Authorization Application Fee	\$100 <u>200</u>

Licensing/Enrollment Fees:

Geologist-Intern Enrollment Fee	Included in FG exam application fee
Licensing Fee	Included in PG exam and license application fee
Temporary Permit Fee	\$175 <u>250</u>
Emeritus Fee (Lifetime)	\$25

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Renewal Fees:

License Renewal Fee		\$ 65 <u>100</u>
Late Renewal Fee	\$ 6.50 <u>10.00</u> for any month or any part of a month, up to	\$ 65 <u>100</u>
Certificate of Authorization Renewal Fee		\$ 100 <u>200</u>

Miscellaneous Fees:

Duplicate Certificate		\$15
Exam Seat Reservation Fee		\$35

~~1.4.2 The initial license of each approved professional geologist is valid for the calendar year in which it was first approved by the Board. The renewal fee applies to the next calendar year.~~

~~1.4.3~~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.

~~1.4.4~~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.

~~1.4.5~~1.4.4 The fees may be adjusted as needed to generate the revenue needed to administer the Geologists Regulation Act.

~~1.4.6~~1.4.5 Submittal of an application authorizes the Board to investigate the information provided on or appended to the application.

~~1.4.7~~1.4.6 In addition to fees submitted to the Board, applicants are required to pay fees associated with examinations as established by ASBOG®.

~~1.4.8~~1.4.7 All fees are non-refundable. ~~Exam seat reservation fees are non-transferrable to a future examination.~~

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 and 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

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take the examinations, nor is disclosure intended to automatically require consideration of the discipline by the Board.

- 1.5.3 No immediate family member of the applicant or current member of the Board shall serve 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 ~~in writing~~ of the name change and include a copy of the legal documents supporting the name change. All [contact information and/or name change](#) notifications ~~should be made in writing 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.

1.11 Transcripts

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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 a 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 11:59 p.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 geologist, 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.