

Nebraska Board of Geologists
Board Meeting Minutes
January 19, 2017
215 Centennial Mall South, Large Conference Room, Lincoln, NE

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, Lincoln, Nebraska. Vice-chairperson Grimm called the meeting to order at 1:00pm and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star and on the Board's website in accordance to the Open Meetings Act.

Roll Call: Thomas Correll, Andrew Grimm, Martha Link, Charles Joyce, Ralph Martin;
Absent: Harmon Maher, David Svingen

Staff Present: Jean Lais, Administrative Assistant (AA); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager (BM)

Public Comment/Appointments

No members of the public were present.

A Consent Agenda

Meeting Minutes

October 6, 2016, Meeting Minutes were approved as presented

Certificates of Authorization Approvals

Approved: ATC Group Services LLC - Lafayette, LA - CAG0082; Apex Companies LLC-Rockville, MD - CAG0083

Temporary Permits – None

Renewal Disclosures - None

Action Motion by Correll, second by Link to approve the Consent Agenda as presented and discussed. Voting Yes: Martin, Link, Joyce, Correll, Grimm; Voting No: None;
Absent: Maher, Svingen

B Committee Reports

Officers Report

ASBOG

ASBOG Administrative Workshop and Annual Meeting Report

Link and AA Lais gave a report on the Annual Meeting and the Administrator's Workshop held in Lawrence, KS, November 1-2, 2016. During the Administrator's Workshop there were presentations on using the FG exam as an assessment tool, having consistency in the licensure education requirements, and ethics. During the Annual Meeting there were presentations from the Canadian society, a summary report on the 2015 Task Analysis, and the 2016 exams.

Voting took place during the Annual Meeting to revise the Charter and Bylaws. All revisions were passed with the exception of the definition of a Subject Matter Expert (SME) in Article 3.11 in the Charter. California has an issue with allowing non-licensees to participate in the Council Of Examiners (COE). They felt allowing non-licensees to participate in the development of the exams would cause the exams to be indefensible in California. The matter was tabled and sent back to committee to study. An amendment was suggested and approved to replace the word "registered" with "licensed/registered" in Articles 3 and 4.

COE Report

Joyce attended the COE along with Maher and Chairperson Svingen. Participation was the highest it had been to date. Joyce participated in the test writing workshop at which Randy Kath from Georgia expressed interest in using actual topographical maps versus the format currently being using.

Nebraska Board of Geologists
Board Meeting Minutes
January 19, 2017
215 Centennial Mall South, Large Conference Room, Lincoln, NE

Office/Staff

AA Lais gave an update on the database conversion process and the office renovation. She also informed the Board that Tanna Dittmar, Public Information Officer, is no longer with the Board of Engineers and Architects. Applications are currently being accepted for her replacement.

C Old Business – None

D New Business

Government Issues

LB36 Provides for Review of Rules and Regulations for Agencies of Occupational Credentials

The Bill would require a critical assessment of all the agency's rules and regulations to be conducted every five years. The bill gives the details that must be included in the assessment report including the fiscal impact on state agencies, political subdivisions, and regulated persons. It also requires a public hearing to be held to allow for public comment prior to the final submission to the Executive Board of the Legislative Council. The final submission will be due by December 31st of the year after the review.

LB127 Public Notice Revisions

LB127 would require all public bodies to publish meeting notices in a newspaper of general circulation in each county within the public body's jurisdiction. In the case of the Board, publication would be required in every county since the Board's jurisdiction covers the entire State. Concern was raised by other agencies over the considerable increase in time and funds this would require for State agencies. Correspondence from Frank Daley of the Nebraska Accountability and Disclosure Commission with Senator Groene's office was included from review. It was not the intent of the Senator that State agencies be included in the reach of the bill and will be working with Daley to introduce an amendment to the bill reflecting this.

LB299 Occupational Board Reform Act

The Bill would create the Office of Supervision of Occupational Boards. The purposes of the Act are to require occupational boards to respect the fundamental right of an individual to pursue an occupation and to ensure that occupational boards and individual members of occupational boards avoid liability under federal antitrust laws. It allows for individuals with a criminal history to seek licensure under certain conditions and the ability to petition the Board for a determination as to whether the criminal history would disqualify them from receiving a license and includes the process for responding. The executive director will be appointed by the Governor and authority is given to employ one or more attorneys who do not already provide legal counsel to an occupational board.

The Bill will also require the Office to provide active supervision to the occupational boards to ensure compliance with the Act. The Office will review and approve/reject any proposed rule, regulation, policy, enforcement action, or other regulatory action prior to its adoption, promulgation, or implementation. The Bill allows for a complaint process against an occupational board by an individual.

The Bill also creates the Legislative Office of Occupational Regulations with the Legislative Regulatory Analyst as its director. The purpose of the Office is to review proposed legislation to enact or modify occupational regulations to ensure compliance with the policies stated in the Act; determine whether the legislation meets the

Nebraska Board of Geologists
Board Meeting Minutes
January 19, 2017
215 Centennial Mall South, Large Conference Room, Lincoln, NE

requirements of the policies stated in the Act using the least restrictive regulation necessary; evaluate the effects of the legislation on workers, consumers, unemployment, competition, costs and other relevant issues; and issue a report regarding the legislation. The Office must also review a percentage of providers listed each year, completing its review of all providers every five years. A report of the review will be provided to the Clerk of the Legislature and the Attorney General. Staff will keep the members apprised of any development or changes as they may occur.

Geologist Issues

Approve attendees to the **ASBOG Spring COE Workshop** in Flagstaff, AZ, April 6-8, 2017

Martin was approved to attend the COE Workshop.

Action Motion by Link, second by Correll to approve Martin to attend the COE. Voting Yes:

Martin, Link, Joyce, Correll, Grimm; Voting No: None; Absent: Maher, Svingen

Nebraska Geological Society (NGS) Outreach Committee Report on Legislative Matters

Maher provided a report from the NGS Outreach Committee with regards to the defense of licensure in Nebraska and the NGS' position on the matter.

Strategic Plan

A copy of the current Strategic Plan was provided for review and reference

Discussion was held on the template to be used in the Board's website redesign. It was agreed that the template used will be the Nebraska Board of Engineers and Architects template. AA Lais will begin to work with Martin and Link on the actual design and content. AA Lais will also contact Nebraska Interactive to find out how the budget constraints will affect the completion timeline.

Correspondence from ASBOG on the current standing committees and openings was provided for review. Joyce expressed interest in joining the Outreach and Development and the Ethics Committees. He has notified ASBOG and is currently awaiting appointment.

Link submitted a copy of a brochure being developed by the NGS. It was her suggestion that we either link to the brochure or post it on the Board's website once finalized.

At the October 2016 meeting, AA Lais was charged with inquiring about the process for submitting FG and PG exam questions to ASBOG outside of the COE workshops and to find out if there were certain areas of the exam that were in need of having questions submitted. She reported that the ASBOG Executive Committee is currently working on a submittal process and will forward it to the members once it is finalized. ASBOG provided a list of test areas in need of questions for review.

Chairperson Svingen had requested AA Lais or Link to find out the dates of the Environmental Update Panel hosted by NDEQ and the Ground Water Foundation. Link informed the Board a date has not yet been set, but she will let AA Lais and Chairperson Svingen know as soon as one has been set. Svingen had also inquired about the date of the Legislative Breakfast and Link informed the members this had taken place last week.

Chairperson Svingen also inquired if ASBOG had any PowerPoint presentations on licensure and the practice of geology or that they are aware of. AA Lais reported that California had developed a presentation based on a presentation from the engineers

Nebraska Board of Geologists
Board Meeting Minutes
January 19, 2017
215 Centennial Mall South, Large Conference Room, Lincoln, NE

which was to be forwarded to ASBOG to be modified. They will publish it on the "Members Only" section of their website once completed.

CO Rauscher entered the meeting at 2:25pm.

E Compliance

Action Motion by Correll, second by Link to go into executive session for the discussion of compliance cases brought to the Board not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Martin, Link, Joyce, Correll, Grimm; Voting No: None; Absent: Maher, Svingen

Joyce recused himself at 2:28pm.

Pending Cases

Case 16.01 – Discussed in Executive Session.

New Cases - None

Joyce re-entered the meeting at 2:45pm.

Action Motion by Link, second by Correll to close the executive session on the discussion of compliance cases brought to the Board not a matter of public interest to prevent needless injury to the reputation of those involved. Voting Yes: Martin, Link, Joyce, Correll, Grimm; Voting No: None; Absent: Maher, Svingen

CO Rauscher left the meeting at 2:45pm.

F Applications

Licensure/Examination

The Core Course Equivalency Chart and Rationale for Core Courses were provided for review.

Applications for Licensure by Reciprocity – None

Applications for Licensure by Experience – None

Applications for Licensure Reinstatement – None

Applications to sit for the ASBOG FG Exam

Approved: Rachel M Carson, NE

Applications to sit for the FG/PG ASBOG Exams

Approved: Angelique B Shawda, IA; Kurt K Zeller, CO

Applications to sit for the PG ASBOG Exam – None

Action Motion by Link, second by Correll to approve the applications as presented and reviewed. Voting Yes: Martin, Link, Joyce, Correll, Grimm; Voting No: None; Absent: Maher, Svingen

BM Weaver entered the meeting at 2:48pm.

G Financial Matters

Budget Status Report – October, November, December 2016

MTD General Ledger Detail Report – October, November, December 2016

Fund Summary Report – October, November, December 2016

Financial Profile FY 2016/2017 – October, November, December 2016

BM Weaver reported that with just over 20% of the fiscal year elapsed, just over 50% of the appropriated expenses have been spent and 75% of the projected revenue has been received. A truer picture of revenue will be available at the end of January as there are many licensees that have not renewed to date. The Cash Fund is at \$81,040 which is approximately \$4,000 less than the same time last year.

Other Financial Matters

Approval of Joyce's for the ASBOG Fall COE Workshop in Lawrence, KS, November 3-5, 2016

Nebraska Board of Geologists
Board Meeting Minutes
January 19, 2017
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AA Lais provided a spreadsheet with the breakdown of the actual and projected travel expenses for the fiscal year. Joyce is requesting a reimbursement of \$538.32 for attending the ASBOG Fall COE Workshop in November 2016. Chairperson Svingen had approved his travel expenses contingent on the availability of funds. After discussion of the projected expenses for the rest of the fiscal year and the decision to send only one member to the ASBOG Spring COE Workshop in April, it was determined funds are available to reimburse Joyce for his expenses.

Action Motion by Correll, second by Link to approve Joyce's expenses for the 2016 ASBOG Fall COE Workshop. Voting Yes: Martin, Link, Joyce, Correll, Grimm; Voting No: None; Absent: Maher, Svingen

LB327 2017-2019 Biennium Budget Bill

A copy of the Biennium Budget Bill with Governor Rickett's recommendations were provided for review along with a copy of his summary report. His recommendations do not include the increase in travel expenses or the cost of the website redesign. He is also calling for a reduction of \$1,000 in the Cash Fund for each fiscal year of the biennium. In addition the Bill reduces the FY2016-17 appropriations by 4% (\$1,183.80) and only allowing for 24% (\$41.17) of the FY2015-16 rollover. SW Weaver provided spreadsheets reflection the reductions.

The actual recommended Governor's reduction in LB327 for FY2017/2018 is \$3,063 and \$1,623 for FY2018/2019. The hearing on the Board's portion of LB327 has been set for February 22, 2017 at 1:30pm in Room 1003 of the Capital. The Appropriation Committee's recommendations have not been received, but staff will keep the members apprised of any changes.

Action Motion by Link, second by Martin to approve all other Financial Matters as presented and discussed. Voting Yes: Martin, Link, Joyce, Correll, Grimm; Voting No: None; Absent: Maher, Svingen

BM Weaver left the meeting at 3:15pm.

H General Information

Public Notice publication provided for review.

Board meetings and schedule provided for review.

Roster of Board members provided for review. Vice-chairperson Grimm read a statement of thanks from Chairperson Svingen and presented a plaque of appreciation to Correll for his service on the Board. His term is due to expire on February 23, 2017.

Licensing Trends

Trends in Licensure and Fiscal Activity Reports were provided for review.

Other

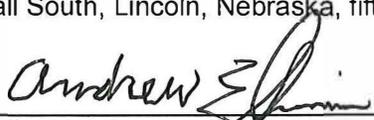
ASBOG September 2016 Exams Results were provided for review.

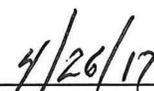
Approved Board Policies were provided for review.

NEBOG Travel Policy were provided for review.

Adjournment: Motion by Correll, second by Martin to adjourn the meeting at 3:27pm.

The next Board of Geologist board meeting will be held on April 13²⁶, 2017 at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, large conference room.


Board Member


Date