

Nebraska Board of Geologists  
**Board Meeting Minutes**  
**April 13, 2018**  
215 Centennial Mall South, 5<sup>th</sup> Floor Large Conference Room, Lincoln, NE

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**CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Grimm called the meeting to order at 1:01pm and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star on March 30, 2018, and on the Board's website in accordance with the Open Meetings Act.

**Member Roll Call:** Andrew Grimm, Douglas Hallum, Charles Joyce, Harmon Maher, Ralph Martin, David Svingen; Absent: Martha Link

**Staff Present:** Jean Lais, Administrative Assistant (AA), Jon Wilbeck, NBEA Executive Director (ED); Sandra Weaver, Business Manager (BM)

**PUBLIC PRESENT/COMMENT**

No members of the public were present.

**ELECTION OF OFFICERS**

Hallum was nominated as Secretary. The new officers will assume their new duties at the end of the meeting.

**Action**

Motion by Joyce, second by Svingen to elect Joyce as Chairperson; Maher as Vice-Chairperson; and Hallum as Secretary. Voting Yes: Maher, Martin, Svingen, Hallum, Joyce, Grimm; Voting No: None; Absent: Link

**A CONSENT AGENDA**

**January 19, 2018 Meeting Minutes**

**Certificates of Authorization**

CAG0087 - Stantec Consulting Services Inc, Broomfield CO

**Action: Approval of Consent Agenda**

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

**B REPORTS**

**Officers Report - None**

**ASBOG Spring COE Workshop Summary**

Joyce provided a summary of the ASBOG Spring COE Workshop which took place in Atlanta, GA, April 5-7, 2018. There were approximately 750 candidates who sat for the FG with an approximate pass rate of 70%. This is consistent with previous examinations. This was a harder than average examination due to the low cut score. During the writing work group, 63 exam items were reviewed, updated, or removed.

**Office/Staff**

AA Lais updated the members to the status of the database conversion. Data is scheduled to be moved into the testing environment by April 30, 2018, with a go live date of May 30, 2018. Geologists will be the first to be moved into the new database.

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*ED Wilbeck entered the meeting at 1:17pm.*

**C OLD BUSINESS**

***LB299 Occupational Board Reform Act***

AA Lais provided amendments AM2349 and AM2674 to LB299 which were presented and approved during the current legislative session. AM2349 replaces the original language in LB299 in full with AM2674 revising language in AM2349. A redline comparison was also provided to show the revisions between the two amendments.

LB299/AM2349 also known as the Occupational Board Reform Act, would allow an individual with a criminal conviction to petition a occupational board to determine if the conviction would disqualify them from receiving a license, registration, or certification in Nebraska. The petition could be filed prior to obtaining any required education. The determination would need to be issued within 90 days of receipt and include Findings of Fact and Conclusions of Law.

The bill would also require the standing committees of the Legislature to review approximately twenty percent of the occupational regulations within the jurisdiction of the committee and submit a report to the Clerk of the Legislature no later than December 15. The report is to include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified. The bill lists the items to be included in the recommendations. It was also pointed out the bill includes a "mini" sunset review as the legislative committee will make a determination as to whether the least restrictive regulation is being used to protect the citizen.

ED Wilbeck discussed the financial implication of the bill with the Board. The requirement of providing a determination as to whether a criminal conviction would prohibit an individual from being licensed if the individual petitions the Board as such, would not fall within the current scope of work covered in the administrative service contract with the Nebraska Board of Engineers and Architects Board (NBEA). The scope of work also does not include any work necessary to prepare reports that may be required during the legislative committee review of the Board's rules and regulations. Additional meetings would also need to be scheduled to meet the 90 day response requirement which includes Findings of Facts and Conclusions of Law.

ED Wilbeck stated he has sent an email to Senator Ebke voicing concerns on the 90 day response as this may be problematic to smaller boards and commissions who may only meet once or less per quarter. Ebke has requested a legislative study over the session break if LB299 passes.

Concern was raised during the floor debate by Senator Hilgers that the language used related to the prescriptive committee recommendations are to use that this is the only recommendations that may be used.

The members requested tracking information on the bill. ED Wilbeck will send the information on BillTracker and a link to the bills legislative website page.

*ED Wilbeck left the meeting at 1:51pm*

**D NEW BUSINESS**

***American Institute of Professional Geologists (AIPG) Input Request Letter***

A letter from AIPG requesting the Board's input on a new membership category (Nationally Accredited Professional Geologist) was provided. AIPG is requesting the Board to submit a formal response with any concerns and suggestions related to the new category.

In response to inquiries from several other state boards, ASBOG sent correspondence to all the boards as to how ASBOG is working with AIPG to help develop the new category. Erick Weiland,

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ASBOG President, has been named as the ASBOG representative on AIPG's subcommittee on the matter.

The main concern of the members and ASBOG as this could be construed as competing with or replacing licensure. It is perative that it is clear to the public that licensure is through State statutes and rules and not AIPG certification.

Discussion was held that if AIPG moves forward with the new category and in this era of deregulation, it could be argued that this could replace state licensure. It was the members consensus that the new category would cause confusion not only with the public, but with geologists who hold the title as to who is qualified and authorized to practice in a state that requires licensure. Martin suggested that the recommendation to certify geological specialities may be an alternate option.

The members agreed it would be better to respond to the letter through ASBOG. Joyce and Svingen will work on a draft response to be submitted to ASBOG covering the following:

- Confusing to the public as to who is qualified and authorized to practice in a state requiring licensure.
- Confusion to the accredited individual that this would be sufficient to practice in a ASBOG member state without licensure.
- Not in support of any nationally recognized title until all states have licensure
- Suggestion of certification in geological specialties
- Concern that this could be used as a replacement to state licensure
- There is no need for the cerification

AA Lais was instructed to send a letter to AIPG thanking them for its support of licensure both in the past and that the Board will be communicating its concerns through ASBOG.

***Action***

Motion by Maher, second by Svingen to have Joyce and himself draft an initial response and send to the other members for feedback and forward the final revision to ASBOG. Voting Yes: Maher, Martin, Svingen, Hallum, Joyce, Grimm; Voting No: None; Absent: Link

***ASBOG Call for Nominations***

ASBOG has sent out a call for nominations for the 2019 Executive Committee. Nominations are due by May 30, 2018.

***Rules and Regulations – Title 171 NAC***

At the request of the Board at the October 16, 2018, meeting, AA Lais prepared a draft of suggested revisions to be considered by the Board. A copy of the current Rules were provided along with a redlined and clean copy of the recommended revisions.

AA Lais also provided a recommendation to split Chapter 3 – Licensure Provisions to separate this chapter into four chapters; Licensure of Professional Geologists by Examination, Licensure of Professional Geologists by Comity/Reciprocity, The Licensee Seal, and Organizational Practice.

The Board formed an ad hoc committee consisting of Joyce, Martin, and either Link or Svingen to review the recommended revisions and bring a final recommendation to the July meeting.

Members are to review the recommendations in detail and send any comments to AA Lais no later than May 11, 2018. AA Lais will then compile them and send to the committee.

The committee is to have its final revisions back to AA Lais no later than June 22, 2018, to allow time to format and include in the July materials.

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AA Lais will send the Word files related to the revisions to the members.

A short discussion was held on the definition of a qualified geologists in Rule 2.1.2.1. It was decided to delete the term since Neb Rev. Stat. § 81-3539(2a) only allows for professional geologists to serve has references when required.

**Action**

Motion by Joyce, second by Hallum to create ad hoc committee consisting of Joyce, Martin, and either Link or Svingen review the revisions to bring recommendations to the July meeting.

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

**Strategic Plan**

A copy of the current Strategic Plan was provided for review. Updates include the new website going live as of February 18, 2018. Public Information Officer Mayhew and AA Lais have reviewed the site and corrected any errors.

Hallum reported that the Nebraska Geological Society (NGS) will be celebrating fifty years this year.

A celebration is planned for October/November, but the exact date has not been set yet.

Discussions at NGS have been held to allow for exhibitors during the event. If made available, the Board may want to consider having a booth.

No action was taken.

**E COMPLIANCE**

There were no cases or issues discussed.

**F APPLICATIONS**

A copy of the Core Course Equivalency Chart and Rationale were provided for review.

**Licensure by Experience**

**Approved:** Jeffrey Charles Steiner, WI; Clint Carlton Ward, OK

**FG/PG Exams**

**Approved:** Caroline Mary Burberry, NE

**Action: Approval of Applications**

Motion by Maher, second by Hallum to approve the application as presented and reviewed.

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

*BM Weaver entered the meeting at 3:07pm*

**G FINANCIAL MATTERS**

**Financial Reports**

**Budget Status Report** – January, February, March 2018

**MTD General Ledger Detail Report** – January, February, March 2018

**Fund Summary Report** – January, February, March 2018

**FY 2017-18 Financial Profile** – January, February, March 2018

BM Weaver reported that 98.74% of projected renewal fees has been received and 70.14% of appropriated expenses has been spent as of March 31, 2018. The cash fund is approximately \$500 higher than last year. Reducing fees could be considered since the cash fund has exceeded the amount of two times the annual budget as outlined in Board policy.

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**Fee Schedule Review for FY 2018-19**

The Board reviewed the Fee Schedule as of April 5, 2018. Discussion was held on possibly reducing the license renewal fee from \$65 to \$60 as part of the rules revisions. Any other fee reductions will be decided at the July meeting when the Board is discussing the revisions to the rules.

**Action: Approval of Financial Reports**

Motion by Svingen, second by Hallum to approve the Financial Reports as presented. Voting Yes: Martin, Svingen, Hallum, Joyce, Grimm; Voting No: None; Absent: Link; Not Present: Maher.

**Proposed Vendor Contracts for FY 2018-19**

**Nebraska Board of Engineers & Architects (NBEA) Administrative Service Contract**

Time and cost worksheets were provided to the Board for review. The proposed new weighted hourly rate for FY 2018-19 is \$19.41. The proposed contract amount for FY 2018-19 is \$15,323 or \$3,830.75 per quarter. This is an increase of \$223 the last contract. The service contract was approved by the NBEA at its March 23, 2018 meeting.

**Action: Approval of NBEA Administrative Service Contract**

Motion by Hallum, second by Maher to approve the NBEA Administrative Service Contract. Voting Yes: Maher, Martin, Svingen, Hallum, Joyce, Grimm; Voting No: None; Absent: Link

**National Association of State Boards of Geology (ASBOG) Agreement for Providing Examinations and Amendment**

The Agreement allows the Board access to the ASBOG Fundamentals of Geology (FG) and the Practice of Geology (PG) Examinations which are required for licensure in Nebraska. The amendment adjusted the cost of the FG exam from \$150 to \$200. This fee is paid directly to ASBOG by the examination candidate and is not collected or paid for by the Board.

**Action: Approval of ASBOG Agreement for Providing Examinations and Amendment**

Motion by Joyce, second by Martin to approve the ASBOG Agreement for Providing Examinations and Amendment. Voting Yes: Maher, Martin, Svingen, Hallum, Joyce, Grimm; Voting No: None; Absent: Link

**ASBOG Exam Proctor Contract –Stanley Fehlhafer**

A copy of the contract was provided for review. The contract provides for proctoring services for the ASBOG examinations during FY 2018-19 at a maximum fee of \$17.00 per hour and meals or related travel expenses as approved by the Board.

**Action: Approval of ASBOG Exam Proctor Contract**

Motion by Svingen, second by Maher to approve the ASBOG Exam Proctor Contract with Stanley Fehlhafer. Voting Yes: Maher, Martin, Svingen, Hallum, Joyce, Grimm; Voting No: None; Absent: Link

*Joyce and BM Weaver left the meeting at 3:45pm*

*Maher left the meeting at 3:50pm*

**H GENERAL INFORMATION**

A schedule of upcoming meetings and events was provided for review. The next meeting will be held on July 12, 2018, at 215 Centennial Mall South, Fifth Floor, at 1:00pm.

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A roster of the Board members was provided. A certificate of appointment was received from the Office of the Governor reappointing Harmon Maher. His term will expire on February 28, 2023.

Discussion was held about the best time to meet at the end of August/beginning of September to approve the biennium budget. AA Lais will send an email with possible dates and times.

***Licensing and Certification Trends***

Individuals and organizations authorized to practice as of April 5, 2018:

Professional Geologists: 308

Certificates of Authorization: 54

Temporary Permits: 0

***Other information***

The February Website Dashboard Reports indicated the Board's website had 130 total visits. The March report showed 143 total visits.

Approved Board Policies as of April 5, 2018, were provided.

**ADJOURNMENT**

Motion by Martin, second by Svingen to adjourn the meeting at 3:59pm.

H. D. Maher

Board Member

7/12/18

Date